

**West Sacramento GRR EIS/EIR  
Appendix H**

**Public Involvement**

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## **INTRODUCTION**

This appendix provides responses to public and agency comments on the West Sacramento Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) and General Reevaluation Report (GRR), as received during the public comment period.

## **PUBLIC COMMENT SUMMARY**

The draft GRR and EIS/EIR was posted in the Federal Register on July 18, 2014 (Vol. 79, No. 138) and WSAFCA published a notice of completion with the State Clearinghouse (SCH #2009072055) on July 17, 2014. The draft GRR and EIS/EIR were circulated for a 45-day review to Federal, State, and local agencies; organizations; and members of the public from July 18, 2014 through September 1, 2014. The draft GRR and EIS/EIR were made available both on the Sacramento District, Corps of Engineers website as well as the website for the Central Valley Flood Protection Board. Hard copies of the draft GRR and EIS/EIR were provided to area libraries. Letters and/or DVD copies of the GRR and EIS/EIR were sent to interested parties, local residents, and to the agencies and elected officials listed in Section 6.4 of the EIS/EIR. Public workshops were held on August 19, 2014 at the West Sacramento City Hall Galleria located at 1110 West Capitol Avenue to provide additional opportunities for comments on the draft GRR and EIS/EIR. All comments received during the public review period were considered and incorporated into the final GRR and EIS/EIR as appropriate.

A total of 18 people attended the meetings. Comments were solicited through the use of court reporters at the meetings. Additionally, comments could be submitted through mail or electronic mail. Oral and written comments were made throughout the series of meetings by local, State, and Federal agencies, community organizations, and individuals.

During the Draft EIS public review period, a total of 55 comments were received from the public in the following manner:

- 11 different parties commented, including 2 Federal agencies, 3 State of California agency, 2 local agencies and organizations, and 4 private citizens.

A summary of the major issues from the public comments are included below. Original letters, e-mails follow. Responses to the public comments are included in the table that follows.

## **RESPONSES TO PRIMARY COMMENTS**

Public comments on the draft documents focused in part on: 1) ensuring receipt of all necessary permits; 2) ensuring consistency with applicable plans and policies; 3) clarification of impacts to waters

of the U.S.; 4) receipt of a vegetation variance and minimizing impacts to the environment; 5) coordinating for impacts to utilities, and 6) concerns about the setback levee and taking private property.

## **COMMENTS AND RESPONSES**

The following pages include all public comments received and the Corps' responses to those comments. The responses are annotated to refer back to the corresponding letters and comments that precede them.

**Responses to Comments**  
**West Sacramento General Reevaluation Report**  
**Draft Environmental Impact Statement/Environmental Impact Report**  
**Yolo County, California**

**A. Letter from the California Department of Transportation (Caltrans), dated August 25, 2014**

1. Comment: On page 223, Section 3.10.7 Avoidance, Minimization, and Mitigation Measures of the DEIR discusses the preparation of a construction traffic control plan for Alternative 1 through 5. If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction Traffic Impact Study may be required of the developer for approval by Caltrans prior to construction. TMPs must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*.

*Response: Prior to construction, the Corps would ensure that a traffic control plan is prepared for the selected plan. If necessary, a Traffic Impact Study would be completed. The Corps or its contractor would coordinate with Caltrans prior to construction to ensure that all impacts to State roadways are being addressed in the appropriate manner.*

2. Comment: Please be advised that any work or traffic control that would encroach onto the State Right of Way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to Bruce Capaul, District Office Chief, Office of Permits, Caltrans, District 3, 703 B Street, Marysville, CA 95901. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

*Response: The Corps or its contractor would acquire all appropriate permits prior to the initiation of project construction.*

3. Comment: Please provide our office with copies of any further actions regarding this project.

*Response: The Corps will send all future mailings regarding this project to Caltrans.*

**B. Letter from the Central Valley Regional Water Quality Control Board (Central Valley RWQCB), dated July 30, 2014**

1. Comment: Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

*Response: The Corps or its contractor would acquire all appropriate permits prior to the initiation of project construction. The Corps will require its construction contractor to prepare a SWPPP prior to construction.*

2. Comment: The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post –construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

*Response: The Corps or its contractor would acquire all appropriate permits prior to the initiation of project construction and the Corps will require its construction contractor to implement all appropriate BMPs.*

3. Comment: Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

*Response: The Corps or its contractor would acquire all appropriate permits prior to the initiation of project construction. The Corps would ensure that project construction complies with the requirements contained in the permits.*

4. Comment: If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application

to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

*Response: The Corps cannot issue a permit to itself. However, the Corps will ensure that the project complies with the regulations of Section 404 through the preparation of a Section 404(b)(1) analysis, which is included with the final EIS/EIR as Appendix F.*

5. Comment: If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

*Response: The Corps will ensure that prior to initiation of construction, a Section 401 Water Quality Certification is obtained, as necessary, for impacts to waters of the U.S.*

6. Comment: If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State, including, but not limited to, isolated wetlands, are subject to State regulation.

*Response: The Corps or its contractor would acquire all appropriate permits prior to the initiation of project construction.*

7. Comment: If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

*Response: The Corps or its contractor would acquire all appropriate permits prior to the initiation of project construction.*

**C. Letter from the Delta Stewardship Council, dated August 29, 2014**

1. Comment: The EIS/EIR should discuss any inconsistencies between the project and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Note, too, that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.

*Response: The Corps has added language to Chapter 3, sections 3.3 and 3.6 of the EIS/EIR acknowledging the projects relationship to the Delta Plan. Consistent with Delta Stewardship Council's (DSC) comments, WSAFCA understands the need to complete the certification process for compliance with the Delta Plan's regulatory policies when acting as the local agency approving, funding, or carrying out a project that must certify consistency with the Delta Plan. While the Draft GRR EIS/EIR describes and analyzes the likely future flood risk reduction actions of the Corps and WSAFCA at a worst case level, WSAFCA will also conduct project-level CEQA analysis of any included action prior to implementation. As part of the project-level environmental analysis, WSAFCA will ensure that any future flood risk reduction project that is a covered action under the Delta Plan is consistent with the Delta Plan's Policies and Recommendations, and will prepare Consistency Determinations for these actions as directed by the Plan. As presently defined, the actions included in the Draft GRR EIS/EIR are expected to be consistent with the Delta Plan, as discussed in Chapter 5, Compliance with Laws and Regulations. Additional language regarding The Delta Plan has also been added to Chapter 5, section 5.2.*

2. Comment: In the Draft EIS/EIR, Subsection 6.4.2, we suggest replacing the "California Bay-Delta Authority" with the "Delta Stewardship Council."

*Response: California Bay-Delta Authority has been replaced with Delta Stewardship Council.*

3. Comment: The draft EIS/EIR identifies the potential land use and agricultural resource impacts and provides possible mitigation measures. In Section 3.3 Land Use and Agriculture, pages 68-69, it also recognizes various federal, state, and local regulations and plans. We commend your efforts on coordination and compliance with different federal, state, and local entities and their regulations. For this reason, the narrative at page 68-69 should be revised to include the Council and the Delta Plan. The Council is an independent State agency charged with furthering the achievement of the State's coequal goals and has specific jurisdiction over and regulations related to land use in the secondary zone of the Delta (23 California Code of Regulation [CCR] Section 5010).



*Response: The Land Use and Agriculture Section and the Compliance with Laws and Regulations chapter has been updated to include coordination and compliance with the Delta Stewardship Council and the Delta Plan.*

4. Comment: In addition, the possible alternatives listed in Section 3.3.3 through 3.3.6 should be verified for consistency with Delta Plan Policy DP P2 (23 CCR Section 5011), which calls for siting flood management infrastructure to avoid or reduce conflicts with local land uses when feasible.

*Response: The majority of the project would improve existing levees which are already acting as flood management structures. The location of the setback levee was selected by WSAFCA through their Southport Early Implementation Project, which requires approval from the Corps under 33 U.S.C. §408, to minimize impacts to private owners and maximize ecosystem restoration potential. Public lands were not available for use in this area. The proposed project is in compliance with local land use plans, such as the City of West Sacramento General Plan, the Southport Improvement Framework Plan, and the Central Valley Flood Protection Plan.*

5. Comment: This draft EIS/EIR provides biological resource impact assessments and identifies “Alternative 5 – Improve Levees and Sacramento River South Setback Levee” as the Net Economic Development (NED) Plan as well as the preferred plan. In the final EIS/EIR, please verify that the project and the possible outcomes will be consistent with policies identified in the Delta Plan. Such policies include Delta Plan Policy ER P2 (23 CCR Section 5006), which calls for restoring habitats at appropriate elevations; and Policy ER P4 (23 CCR Section 5008), which states that levee projects must evaluate and, where feasible, incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats.

*Response: The actions defined in the EIS/EIR are expected to be consistent with the policies identified in the Delta Plan regarding restoring habitats at appropriate elevations and incorporating setback levees to increase floodplains and riparian habitats. Alternative 5 does incorporate a setback levee and increase the floodplain of the Sacramento River. Language has been added to Section 3.7.7, the Vegetation and Wildlife Section stating that the habitat will be restored at appropriate elevations consistent with Delta Plan policies. As part of the project-level environmental analysis, WSAFCA will also ensure that any future flood risk reduction project that is a covered action under the Delta Plan is consistent with the Delta Plan's Policies and Recommendations, and will prepare Consistency Determinations for these actions as directed by the Plan.*

6. Comment: The Delta Plan Reform Act specifically established a certification process for compliance with the Delta Plan's regulatory policies (<http://deltacouncil.ca.gov/covered-actions>). According to the Delta Reform Act, it is the state or local agency approving, funding, or carrying out the project that must certify consistency with the Delta Plan. This certification is subject to appeal to the Council. A way to streamline the process and make full use of the EIS/EIR is to include the information and analysis needed to support the certification of Delta Plan consistency within the EIS/EIR, including potentially a draft certification as an appendix to the final EIS/EIR.

*Response: WSAFCA understands its obligation to ensure its actions are in compliance with the Delta Plan. The Corps is supportive of WSAFCA's efforts to be consistent with the Delta Plan. See also response to Comment C.1. above.*

7. Comment: Please also note that the final Programmatic Environmental Impact Report (PEIR) for the Delta Plan includes a Mitigation Monitoring and Reporting Plan that describes the mitigation required for covered actions. If you should determine this project is a covered action, it will need to comply with the Delta Plan's Policy GP1 (23 CCR Section 5002(b)(2)), which states, "Covered actions not exempt from CEQA must include applicable feasible mitigation measures identified in the Delta Plan's PEIR or substitute mitigation measures that the proposing agency finds are equally or more effective." Even if the project is not a covered action, we encourage consistency with the Delta Plan's Policies and Recommendations, including Recommendation DP R16, which encourages recreation, such as levee-top trails or bank fishing on public lands. We commend you on proposing to provide West Sacramento residents with recreation opportunities that are compatible with implementation of this project's flood risk reduction measures.

*Response: As part of any future project-level CEQA analysis conducted for the actions defined in this EIS/EIR, WSAFCA would comply with GP1 by including applicable feasible mitigation measures identified in the Delta Plan's PEIR or equally effective substitute mitigation measures.*

**D. Letter from the Delta Stewardship Council, dated August 29, 2014, comments on the draft GRR**

1. Comment: The Council is the successor of the CALFED Bay-Delta Program. On page 1-22 of the Draft GRR, Subsection 1.5.1.7, we suggest replacing "Delta CALFED Program" with "Delta Stewardship Council and Delta Plan." Please consider including the following language: "The Delta Reform Act (California Water Code Section 85212) created the Council as an independent agency of the State and charged the Council 'to develop, adopt, and commence implementation of the Delta Plan.'"

*Response: The Corps has replaced “Delta CALFED Program” with “Delta Stewardship Council and Delta Plan” and added the following language to the GRR: “The Delta Reform Act (California Water Code Section 85212) created the Council as an independent agency of the State and charged the Council ‘to develop, adopt, and commence implementation of the Delta Plan.’”*

2. Comment: We encourage the USACE to consider Delta Plan Recommendation ER R4, Exempt Delta Levees from the U.S. Army Corps of Engineers’ Vegetation Policy. This recommendation suggests that the USACE should consider the ecosystem value of remaining riparian and shaded riverine aquatic habitat along Delta levees and agree with the California Department of Fish and Wildlife and the California Department of Water Resources on a variance that exempts Delta levees from the USACE’s levee vegetation policy where appropriate.

*Response: The Corps will consider Delta Plan Recommendation ER R4. The levees in the West Sacramento area are primarily urban levees which must maintain a higher level of protection due to the populations protected within. The Corps will be seeking a variance to the vegetation policy to allow trees to remain on the lower waterside slope, which would maintain ecosystem values and SRA habitat for the Sacramento River system.*

3. Comment: The Draft GRR identifies flood risk management as the only project purpose for both the authorized project and the general reevaluation study. Council staff acknowledges that USACE can play an important role in helping achieve the Delta Plan’s coequal goals of water supply reliability and ecosystem restoration while protecting and enhancing an evolving Delta. However, we are concerned that USACE only identified risk reduction as the single purpose of this project, which has prevented the USACE from simultaneously achieving risk reduction and habitat restoration goals. We encourage USACE to adopt a multiple benefits approach to explore and identify additional state-federal joint interests and to carry out projects that will provide significant contribution towards public safety, water supply reliability, ecosystem enhancement and restoration, and economic stability, all of which are vital components to California.

*Response: The authorized purpose of the West Sacramento Project was initially as a single-purpose flood risk management project. In earlier stages of the West Sacramento GRR study process the Corps considered including ecosystem restoration as a project purpose, particularly associated with a potential setback levee in Southport. In evaluating the opportunities in the study area, the Corps determined that the only feasible opportunity for ecosystem restoration in the study area is the Southport setback levee. In evaluating the setback levee opportunity, it was determined that there may be a need to use the setback area as mitigation for the overall project, as well as potentially other WSAFCA actions*

*in the area. As a result, the opportunity for ecosystem restoration seemed to be limited, so the Corps focused on flood risk management as the primary project purpose. USACE supports the opportunity to improve floodplain habitat associated with the Southport setback levee and has included as part of the project, best management measures to avoid, minimize, and mitigation for effects to vegetation and wildlife, fisheries, and special status species and their habitats as described in Sections 3.6, 3.7, and 3.8 of the EIS/EIR. This includes utilizing the setback area for project mitigation.*

**E. Letter from the United States Department of the Interior, Office of Environmental Policy and Compliance, dated September 2, 2014**

1. Comment: The Department of the Interior has received and reviewed the subject document and has no comments to offer.

*Response: Thank you for your review.*

**F. Letter from the United States Environmental Protection Agency, dated September 9, 2014**

1. Comment: The Avoidance, Minimization, and Mitigation Measures for the Vegetation and Wildlife section of the DEIS (Section 3.6.7) discusses compensation and standard minimization measures for the alternatives, but does not address how impacts to Waters of the United States would be avoided to the maximum extent practicable. The Section 404(b)(1) Water Quality Evaluation in Appendix F and the DEIS identify the preferred alternative as the Least Environmentally Damaging Practicable Alternative, but do not provide sufficient justification for how that determination was made. Recommendation: Clearly explain, in the FEIS, how the Corps would avoid impacts to wetlands and other waters of the U.S. to the maximum extent practicable. We recommend that the FEIS also include a more explicit discussion of how the preferred alternative was determined to be the LEDPA.

*Response: The Corps has added language to Section 3.6 of the EIS/EIR clarifying how impacts to wetlands and waters of the U.S. were determined and justification for the determination of the LEDPA. The Corps has also updated the mitigation measures in Section 3.6.7 to include wetland delineations in the pre construction engineering and design phase and to avoid and minimize impacts to wetlands where possible. In addition the Corps has updated the 404(b)(1) to clarify the justification for the determination of the LEDPA. The revised 404(b)(1) analysis is provided in Appendix F to the final EIS/EIR.*

2. Comment: The wetland acreages cited in the DEIS are estimates based on aerial imagery, vegetation type, and some field observations (page 106), but no official delineations have

yet been completed. EPA's experience is that on-the-ground delineations can be substantially different from estimates based on aerial imagery. The DEIS lists acres of wetlands impacted for each levee section, but does not provide tables or maps of wetland and riparian impact locations for the alternatives. Page 106 of the DEIS references Figure 3.6-1 as showing land cover types that are, or could be, wetlands or waters of the U.S.; but the Figure is absent from the DEIS. Additionally, the discussion of impacts does not clearly differentiate between permanent loss of acres and temporary impacts from construction. Recommendations: Explain, in the FEIS, when wetlands delineations will be conducted and how the impact analysis could be altered by any significant changes to the estimated quantity of impacted acreage. Provide maps and tables to more clearly communicate impacts to wetlands, waters of the U.S., and other habitat types. Show impact numbers broken out into permanent and temporary impacts. We recommend the inclusion of an additional table illustrating impacts for each alternative by habitat type.

*Response: The Corps has added language to Chapter 3, Section 3.6.7 of the EIS/EIR noting that wetland delineations will be conducted prior to construction and what impacts this would have if significant changes in acreages occur. The Corps has also included tables in section 3.6 of the final EIS/EIR that show both permanent and temporary impacts to wetlands and other habitat types by alternative. Plates for land type and waters of the US including wetlands have been included in the plates.*

3. Comment: The DEIS alternatives and impacts analysis repeatedly mention and rely upon a vegetation variance to be requested by the Sacramento District from the standard vegetation guidelines set forth in the Corps' Engineering Technical Letter (ETL) 1110-2-583. It appears that the variance would apply to the Sacramento River Levee and the Sacramento River South Levee sections of the project, but it is unclear whether both areas would be covered under a single variance or whether there would be multiple requests and evaluations. The range of impacts to riparian habitat would increase from 65 acres to 99 acres if the variance is not granted for the project. It further appears that the determination of the LEPDA relies upon the variance being issued. Recommendation: The FEIS should clarify the process for, and timing of, requesting a variance and the likelihood that it will be obtained. Include a commitment to conduct additional impact analysis should the variance not be obtained.

*Response: The Corps has expanded its discussion regarding the vegetation variance. The variance would allow riparian habitat to remain, whereas areas that do not receive a variance would require all habitat removed from the levee slopes. The Corps has clarified in the final EIS/EIR (Chapter 2 and Chapter 3, sections 3.6, 3.7, and 3.8) which reaches would receive a variance versus which locations would result in full removal of vegetation. In addition, the Corps has expanded its discussion of the analysis that was conducted to determine the*

*feasibility of the variance. If the variance is not granted on the project, the Corps would be required to do significant additional environmental analysis and coordination on the change in impact significance for these reaches.*

4. Comment: The DEIS discloses that there will be a significant temporal loss to riparian habitat as it will take many years for the newly planted trees and plants to mature for permanent mitigation. The DEIS does not specifically identify any mitigation for the temporal loss of riparian habitat. The document further acknowledges the value of heritage trees as natural assets in the project area and references a mitigation measure to comply with local ordinance requirements for removal permits (page 122) and to protect heritage trees that do not need to be removed. Recommendations: The FEIS should describe measures that could mitigate the temporal loss of riparian habitat, and clearly state whether or not such measures would be implemented. Commit to avoid removal of heritage and non-heritage mature trees in riparian habitat to the maximum extent practicable. Include, in the FEIS, details of the local ordinances and requirements for tree removal permits.

*Response: The Corps intends to mitigate riparian habitat at a 2:1 ratio to account for the temporal loss of this habitat, as is discussed in Chapter 3, section 3.6.7 of the EIS/EIR. The 2:1 ratio was developed in coordination with USFWS as discussed in Section 3.6 to mitigation for temporal loss of habitat. Heritage and mature trees would be avoided to the maximum extent practicable. The City of West Sacramento's Tree Preservation Ordinance is discussed in Chapter 5 on page 413 of the Draft EIS/EIR. Implementation of a variance to the Corps vegetation policy would allow mature trees to remain on the lower waterside slope.*

5. Comment: The DEIS provides numbers for riparian acres impacted, but it is unclear whether those acres include areas where erosion control rocks will be placed without removal of all trees and vegetation. Recommendation: Clearly identify the acreage or linear feet of waterside levee that would be hardscaped with rock, as opposed to those areas that will remain riparian habitat with some erosion control.

*Response: The Corps has expanded its discussion regarding the vegetation variance. The variance would allow riparian habitat to remain, whereas areas that do not receive a variance would require all habitat removed from the levee slopes. The Corps has clarified in the EIS/EIR (Chapter 2 and Chapter 3, sections 3.6, 3.7, and 3.8) which reaches would receive a variance versus which locations would result in full removal of vegetation. However, in some reaches, such as the Barge Canal in the Port North and Port South areas, there would be no erosion repair associated with the vegetation removal. Additionally, Table 1 in Appendix I includes total vegetation impacts, including linear feet of SRA and acreages of riparian habitat that will be impacted by the project by reach.*

6. Comment: EPA appreciates the Corps' apparent sensitivity to the need to avoid destruction of mature forests, wetlands, and shaded riverine aquatic habitat to the greatest extent possible. Where avoidance is not possible, mitigation is proposed, but discussed in general terms with no specific mitigation location identified. Recommendations: In the FEIS, identify and screen possible onsite and offsite habitat mitigation locations. Potential restoration sites in the vicinity might be found immediately upstream of the project area in and around the confluence of the American and Sacramento rivers and Steelhead Creek (e.g., Yolo County Park, Discovery Park, and Camp Pollock). Commit to implementing mitigation concurrently with the project impacts, and implementing riparian mitigation as early in the project as possible to help compensate for the temporal loss of riparian habitat. EPA would appreciate the opportunity to review and comment on the Corps' draft mitigation and monitoring plan when it becomes available. Give the lifespan of the project, the Corps has an opportunity to safeguard genetic diversity and resiliency in the North Delta ecosystem. EPA encourages the Corps to consider hiring a reputable nursery early in project implementation to collect acorns of the oldest and most vulnerable trees; seedlings could be propagated in the nursery for installation on-site or in mitigation areas while preserving the genetic material of the original mature trees. Frequency and yield of acorns from older trees can be limited, making early planning and implementation of this strategy particularly important. A similar strategy could be employed for native prairie species to secure the ecological value of native prairie habitat and the needs of the Western Burrowing Owl.

*Response: Thank you for the recommendations. We will consider our options for implementing mitigation as early in the process as possible. Additionally, the Corps will be requesting a variance from the Corps vegetation policy in order to allow the original mature trees to remain on the lower waterside slope, which would preserve these trees for propagation. The Corps will send the draft Mitigation and Monitoring Plan to the EPA when it becomes available.*

7. Comment: The Corps proposes perpetual protection for the establishment of elderberries and VELB habitat, but only short-term stewardship for other types of habitat subject to compensatory mitigation (page 121). Recommendation: In keeping with the federal compensatory mitigation rule, the Corps should commit in the FEIS to take measures to ensure that any mitigation sites established as part of this project are permanently protected and managed with appropriate conservation easements, stewardship endowments, and management plans.

*Response: The Corps will comply with the Federal compensatory mitigation rule.*

8. Comment: The DEIS for the current project states that Corps staff relied upon the previous DEIS for analysis, but does not provide references to or summaries of that analysis in the project description and impact analysis. Without such references to the Southport DEIS, it is difficult to understand if the current project is dependent upon implementation of the

Southport project or if the setback levee in the West Sacramento Project DEIS would proceed independent of that project. Recommendation: EPA recommends that the relationship between the Southport Sacramento River Early Implementation Project at the West Sacramento Project be clarified in the FEIS. Where the project description and environmental analysis relies on the Southport DEIS, the FEIS should provide summaries of and citations to the previous document. Where the description and analysis differ from the Southport project, those differences should be highlighted. The FEIS should also clearly describe the status of the Southport project and potential barriers to its implementation.

*Response: The relationship between the West Sacramento GRR and the Southport Sacramento River Early Implementation Project is explained in Section 1.3.1 of the EIS/EIR. The status of the Southport project and any barriers to its implementation is not relevant to the analysis of the GRR. More information about the Southport project is available to the public through the WSAFCA website ([https://www.cityofwestsacramento.org/city/flood/southport\\_eip/default.asp](https://www.cityofwestsacramento.org/city/flood/southport_eip/default.asp)). The Corps will edit the EIS/EIR prior to the final to ensure that the Southport EIS is properly cited, when used.*

9. Comment: Plate 2-1 provides a map of potential borrow sites, but neither the map nor the DEIS identify which borrow areas are existing dredged material stockpiles. Ongoing Corps projects generate the vast majority of dredged material in the Delta, and past Corps dredging accounts for most of the stockpiles of previously-dredged material around the Delta. This project represents an opportunity to access and reuse stockpiled dredged material. Recommendation: The FEIS should commit to maximize the use of already stockpiled dredged material and future maintenance material from the Deep Water Shipping Channel to the greatest extent possible. Early coordination between project managers for this project and the DWSC could further provide easily accessible dredged material for the project, thereby reducing environmental impacts.

*Response: Previously-dredged material is typically not suitable for levee construction. Existing stockpiled material, including dredged material, will be evaluated to determine its suitability for use in project construction.*

10. Comment: Air quality impacts could vary significantly depending on the location of the borrow sites. To help inform the planning process of borrow site selection throughout the project, the FEIS should include a discussion and summary table detailing the borrow site options and their comparative air quality impacts, and commit to selecting sites that minimize impacts.

*Response: The Corps identified potential borrow sites within a 20-mile radius of the project area. The air quality analysis conducted for this draft EIS/EIR*



*assumed a distance of 20 miles as a worst-case scenario for hauling of borrow material to the site. The Corps will evaluate potential borrow sites beginning with those nearest to the project area, and anticipates selecting borrow sites that would reduce the air quality impacts associated with this action during construction.*

11. Comment: Explore alternatives to riprap for erosion control. Discuss such alternative methods in the FEIS, including the extent to which each method would be compatible with the West Sacramento Project needs and the Corps' vegetation policy.

*Response: The bank protection design established in the project description of the draft EIS/EIR uses rip rap as the worst case scenario for environmental impacts. During the preconstruction engineering and design phase, the Corps will refine these designs on a site-specific basis based on the best available technical data. Other methods, including geotextile and biotechnical measures will be evaluated for erosion protection as part of this refinement.*

12. Comment: In light of the President's November 1, 2013 Executive Order 13653 "Preparing the United States for the Impacts of Climate Change," there is an opportunity with the West Sacramento Project to illustrate and maximize the climate-resilient benefits of levee design and floodplain restoration. The DEIS simply states, for each alternative, that the levee enhancements would improve resiliency, but provides few details. Recommendation: We recommend that the FEIS reference Executive Order 13653 in the discussion of the regulatory environment, and include a more detailed discussion about the impacts to climate change resiliency for each of the alternatives. For example, explain how the differences in the alternatives would change the level of resiliency, particularly for the setback levee in the preferred alternative.

*Response: The Corps will add EO 13653 to the Regulatory Setting for Climate Change (Section 3.12.1), and to the Laws and Regulations discussion in Chapter 5. The Corps will ensure that the Climate Change analysis in the FEIS is in compliance with EO 13653. Improving the levees to address the identified problems with erosion, stability, and seepage will make them more resilient to the potential impacts associated with climate change.*

13. Comment: In the FEIS, explain how the residual risk behind levees will be communicated to the public, and include a commitment to ensure that this occurs. Such communication should clearly convey: the level of protection provided by the levees during and after construction; the fact that levees may fail or be overtopped; and that the area is a floodplain, with indications of the depth of flooding when the levee fails or is overtopped. We recommend that the Corps also commit, in the FEIS, to commenting on the adequacy of the current City of West Sacramento Emergency Operations Plan to provide insights about

the project enhancements and residual risk. Consider seeking a voluntary commitment from the City to require flood insurance for structures protected by levees, as recommended by NLSC.

*Response: In Section 4.7 the GRR discusses the residual risk that will remain after implementation of the recommended plan:*

*“The recommended plan would substantially lessen the probability of an uncontrolled flood in the study area due to levee failure. After implementation of the TSP, West Sacramento will, however, have a remaining risk of flooding due to the chance of overtopping from a flood event that exceeds the design event. Depending on the size of the flood event the flooding depth in the majority of West Sacramento could be greater than 3 feet above ground elevation, with some areas having flood depths up to 23 feet. Shallower depths are expected to be adjacent to and possibly intermingled with the extreme depths. This is severe and deep floodplain flooding.”*

*The City of West Sacramento is a participant in the National Flood Insurance Program (NFIP). The City's Floodplain Management Ordinance, Title 18 of the City's Municipal Code, meets or exceeds FEMA's current floodplain management requirements. The City of West Sacramento is a participant in the Community Rating System (CRS). As a CRS participant, the City receives credit for flood-risk awareness information distributed to residents and property-owners throughout the City. This information, combined with the three funding sources that residents and property owners support for flood protection improvements, improves flood-risk awareness throughout the City.*

*The City of West Sacramento has developed a comprehensive flood warning system and evacuation plan. The City of West Sacramento utilizes stream gauges in the Sacramento River to determine the Flood Warning and Alert stages. The City monitors weather conditions and stream levels to determine the level of severity and evacuation triggers of potential flood events. The City monitors the gauge on the Sacramento River at the I Street Bridge. The levels of emergency evacuation identified by the City ranging from less severe to most severe include: Watch Stage, Warning Stage, Full Alert Stage, Emergency Stage, General Evacuation Stage, and Flooding Stage.*

*Hypothetical flood depth and rescue and evacuation area maps have been developed by the City of West Sacramento for two hypothetical levee failure locations, one in the North Basin and one in Southport as part of the Flood Emergency Evacuation Plan. The hypothetical flood depth maps depict both the maximum flood depths and the elapsed time from levee failure until an area is*

*inundated with floodwaters to a depth of 1 foot for the two levee failure locations on the levees surrounding West Sacramento. Depending on the levee failure location the elapsed time to get to 1 foot flood depths can range from 2 to 22 hours.*

*USACE will consider seeking a voluntary commitment from the City to require flood insurance for structures protected by levees.*

14. Comment: The DEIS mentions that the Corps met with the Yocha Dehe, Wilton Rancheria, United Auburn Indian Community of the Auburn Rancheria, and conferred with the Buena Vista Rancheria via phone, but provides no details or results of those meetings. Recommendation: The FEIS should include details of the meetings and phone consultations with the tribes affected by the project and discuss the impacts and mitigation measures identified through that consultation. It should also note whether ongoing consultation will continue through the duration of the project. Include the tribes in the distribution list for the FEIS and Record of Decision.

*Response: The Corps has included a summary of consultations with the Tribes affected by the project in Chapter 6 of the final EIS/EIR and Appendix C, the Cultural Resources Appendix. Consultations will continue in accordance with the Programmatic Agreement that is being prepared to manage the treatment of cultural resources and historic properties throughout the life of this project. The Tribes received the Draft EIS/EIR during public review and will remain on the distribution list for the FEIS and ROD.*

#### **G. Letter from Pacific Gas and Electric Company, dated August 1, 2014**

1. Comment: To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed improvement plans should provide for unrestricted utility access, and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

*Response: The Corps will require its construction contractor to meet appropriate clearance requirements during construction. The Non Federal Sponsor, WSAFCA would coordinate with PG&E regarding easements and access prior solicitation and award of project construction.*

2. Comment: Any proposed activities with the potential to change the grade above our pipelines (temporary or permanent) must be reviewed and approved by PG&E. Other

potential concerns include; 1) compaction over the pipelines due to heavy equipment; 2) Underground Service Alert (USA) location of facilities before excavation near easements; 3) changes in the drainage patterns that could undermine stability of soils around pipelines; and 4) future construction of additional facilities within easements.

*Response: Prior to initiation of construction, the Corps would require its contractor to coordinate with PG&E regarding any potential impacts to pipelines. A USA location search would be conducted prior to any excavation occurring. The project would not alter any existing drainage patterns. The only new facility being constructed under the tentatively selected plan is the setback levee. If there are pipelines in the footprint of the setback levee, WSAFCA would coordinate with PG&E during the PED phase, prior to solicitation and award for construction.*

3. Comment: Call 811 to have PG&E's underground facilities located and marked. Please note that PG&E standby personnel are required when potholing gas transmission facilities to confirm depths and/or when construction activities are taking place within five feet of a gas line.

*Response: The Corps will coordinate with PG&E prior to construction in the vicinity of any gas transmission facilities.*

4. Comment: For electric transmission and distribution facilities G.O. 95 clearances must be maintained at all times. As with Gas facilities, access to the facilities must be maintained for normal inspections, maintenance and operation of the facilities. Bollards must be installed by the requesting party in front of footings of towers located in areas vulnerable to vehicular traffic. Dust raised during construction could also increase opportunity for flash-overs.

*Response: The Corps will require its construction contractor to ensure that construction near any electric transmission facilities is conducted in compliance with all regulations and clearances required. The Corps will also require its construction contractor to implement BMPs during construction to reduce potential impacts from dust during construction activities.*

5. Comment: Relocations of PG&E's electric transmission facilities (50,000 volts and above) may also require formal approval from the California Public Utilities Commission. If required, this approval process may take up to two years to complete. Proponents of the levee improvement project with plans that may affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

*Response: The Corps will ensure that WSAFCA coordinates with PG&E and the California Public Utilities Commission, as needed, to ensure that any relocation plans for PG&E electric transmission facilities, if required by the project, are properly developed and approved prior to solicitation and award of the construction contract.*

6. Comment: We recommend that environmental documents for the proposed levee improvement project include an adequate evaluation of the cumulative impacts to utility systems, as well as an evaluation of the significance of PG&E's construction activities, as related the relocation of its facilities associated with the levee improvement project, for each resource category. This will assure the project's compliance with NEPA/CEQA and reduce potential delays to the project schedule.

*Response: The Corps has included further cumulative impact analysis on utility systems as a part of the Final EIS/EIR in Chapter 4, section 4.2.13, and if necessary, supplemental environmental analyses would be completed during PED if final designs indicate that need.*

7. Comment: The requesting party will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the levee improvement project. Because the relocation of facilities requires long lead times and is not always feasible, the requesting party is encouraged to consult with PG&E as early in their planning stage as possible.

*Response: A separate assessment on every utility to be relocated would be conducted and a legal opinion would be obtained for each utility to determine who pays for relocations and to determine if a substitute facility is required. The Non Federal Sponsor, WSAFCA would be responsible for relocations of utilities and ensuring the performance of such relocations by working directly with the utility owner to move utilities or making arrangements to protect the utilities in place. The Non Federal Sponsor must pay for relocations to the extent that the purpose is ensuring the uninterrupted delivery of service (i.e. gas) and safety of its ongoing transmission. Arrangements for removal or relocation of utilities would be done prior to the award of the construction contract. If PG&E has a revocable permit issued from the CVFPB than PG&E would move the utility at their own expense. If PG&E owns an easement on the land than the WSAFCA would pay to have the utility relocated. The Corps would ensure that WSAFCA consults with PG&E as early as possible to keep the process moving.*

#### **H. E-mail from the Sacramento Marina, dated September 2, 2014**

1. Comment: Will the proposed change on the west side levees push more silt to the east side of the river depositing the silt into the entrance channel and launch ramp of the Sacramento Marina? We already must dredge annually at great expense and are trying to minimize this.

*Response: According to hydraulic modeling performed in the design phase (see attached memo), once construction of the setback levee is in place we should see an increase in velocities on the east bank across from the setback levee (which is just downstream of the marina). This comes with a caveat though: the increase in velocities would only be during events where the river exceeds a bank-full stage (since we are not altering the river's cross section below the natural floodplain elevation). During low flow conditions sedimentation should not be affected.*

2. Comment: Will the proposed change to the levee change the river flow taking away the silt from the east side of the river so we will be dredging less? Of course this would be ideal from our perspective.

*Response: See Response to question 1*

3. Comment: After the new levee is built is the existing levee going to be removed or allowed to slowly wash away giving the new levee behind it flood control and making the actual river wider at that location? If so is there a time line that the levee would be gone? This is asked with the understanding that river flows would be a major contributor and nobody can predict with absolute accuracy.

*Response: The existing levee will be degraded during construction. The attached memo has some figures which should give you a good idea of what the restored floodplain will look like.*

#### **I. Letter from Yokoyama Farm, dated September 1, 2014**

1. Comment: Other cost effective alternatives are available for 200 year flood control that will not destroy our property by construction of a setback levee. Even though WSAFCA claims that these alternatives are under consideration, they are currently proceeding with plans to build the setback levee on our property. WSAFCA has authorized contracted vendors to repeatedly contact me by phone demanding to inspect our home for appraisal, answer questions regarding land use, and approach family members for information regarding occupancy.

*Response: The Corps concurs that there are other alternatives presented in the study that could provide a similar level of protection; however, the setback levee is the alternative that maximizes the benefits gained from implementation of the project, and it is the only alternative that allows for environmental mitigation to be implemented in the project area.. Because a setback alternative would require acquisition of private property, WSAFCA and its contractors contacted potentially affected property owners to appraise property values and determine feasibility of a setback alternative and likely project costs. In August 2014, after full consideration of both setback and non-setback approaches, the WSAFCA board certified the Southport Final EIR was certified and adopted a setback levee alternative for the Southport levee reach. Ms. Yokoyama received a purchase offer from WSAFCA for her affected property in February 2015.*

2. Comment: The proposed setback levee has structural flaws including possible seismic instability and potential failure in a 200 year flood. These structural deficiencies have not been specifically addressed or shown to be resolved in the WSAFCA EIS-EIR. Publication of the MBK 2011 model showed setback levee failure, and now WSAFCA states that failure is not evident when the predictive model was reanalyzed. The setback levee construction needs evaluation by another engineer before declaring the design is safe.

*Response:*

*WSAFCA has designed the proposed setback levee to provide protection from the 200-year flood event. USACE has reviewed WSAFCA's preliminary design of the Southport setback levee and found it to meet all USACE levee standards. Additionally, the project has been reviewed by an independent external peer review panel to ensure that good science and sound engineering is practiced, and public health, safety, and welfare is protected. USACE will review the final designs to ensure that the levee design is compliant with USACE levee standards and will not adversely affect the functioning of the levee protection system.*

3. Comment: The collateral environmental consequences of the inter-levee area created by a setback levee outweigh the public good including the introduction of wildlife, especially mosquitoes that vector infectious human diseases that can cause epidemics in the metropolitan Sacramento region. Many examples of the incompatibility of urban wildlife populations with human populations are readily available throughout the area including the report this month of a mountain lion on the American River Trail. The WSAFCA negligently responds that mosquitoes will be insignificant and the proposed environmental area will prevent wildlife encroachment in residential areas. These issues need to be addressed by an urban wildlife ecologist.

*Response: Mosquito control in the project area is the responsibility of the Sacramento-Yolo Mosquito and Vector Control District, who schedule annual*

*spraying, as well as other measures such as the use of mosquitofish to manage mosquito populations. The inter-levee restoration area would be graded to ensure that water could drain back into the river to avoid excessive standing water for mosquito populations to develop as well as avoid other adverse environmental impacts such as fish stranding.*

4. Comment: The WSAFCA claim that the inter-levee area between the existing degraded levee and setback levee will create a sustainable ecological zone compatible with new wildlife habitats and spawning ground for fish is conceptual, biologically inaccurate, and needs documentation with examples from similar construction in highly urbanized areas.

*Response: This language does not appear in the draft EIS/EIR. However, the Corps has constructed setback levees in the past that have resulted in successful restoration areas, including along the Feather River near Marysville, California.*

5. Comment: The WSAFCA claim that human activities on the setback levee will not cause levee erosion is inconsistent with the current conditions on the levee bank. Multiple rutted trails created by people are visible from in any satellite image of the existing levee on our property and in the south area between the Barge Canal and the Sacramento River.

*Response: The Corps concurs that the erosion caused from human activities is an existing condition of the levee system due to informal unregulated access to the Sacramento River by recreationists. The Corps does not anticipate a change from this existing condition with-project, however the setback levee's distance from the river could limit this usage. Addressing this erosion is a responsibility of the local reclamation district or other maintaining agency.*

6. Comment: The WSAFCA EIS/EIR is misleading in representing our farmland as non-irrigated and inconsequential because we have built multiple agricultural wells on our land and on our neighbor's land to the north. Our farm operations have supported local families who have depended on year-round agricultural activities on our farm for decades, including production of high cash vegetable, melon, and field crops.

*Response: In the draft EIS/EIR, the Important Farmland Map (Plate 3.3-2) from November 2013 showed that the farmland is categorized as Farmland of Local Importance. The Corps ran an updated search on the California Department of Conservation Farmland Mapping and Monitoring Program website in October 2014, which showed the land categorized as Prime Farmland. The Corps has updated the Important Farmland Map for the Final EIS/EIR to reflect the State's updated farmland maps.*



7. Comment: The WSAFCA claim that the agency does not intend to create a mitigation bank from the inter-levee area on our land is false as they have already filed an application.

*Response: Currently, WSAFCA does not plan to create a mitigation bank within the inter-levee area. There are plans to use the inter-levee area for mitigation for the Federal project and other WSAFCA actions, but credits would not be made commercially available, as is typical for a mitigation bank.*

8. Comment: Construction of a setback levee will require more than 17 years as proposed in the EIS/EIR because no source of borrow material to construct the massive structure has been identified. No plan has been provided to begin mining the borrow that is synchronized with approval and construction deadlines. Thus, exposure to a potential 200 year flood event will be prolonged during the excessive construction period.

*Response: The 17 year construction period discussed in the EIS/EIR is for the entire West Sacramento levee system. The setback levee is estimated as a 4 year construction window. The Corps cannot begin excavating borrow sites until the project has been authorized by Congress and funding for construction has been authorized. However, the estimated construction schedule does take into account borrow operations. If WSAFCA is granted permission to alter the Federal levee, the setback levee could be constructed in advance of the greater Federal project, expediting flood risk management benefits for the city of West Sacramento.*

9. Comment: Attached comment letters regarding Southport EIS/EIR

*Response: The comments included in the attachments to this comment letter relating to the Southport EIS/EIR have been addressed in the final EIR for that project which was certified and adopted by the WSAFCA Board in August 2014. The document is available on WSAFCA's website at the following address.*  
*[https://www.cityofwestsacramento.org/city/flood/southport\\_eip/environmental\\_studies.asp](https://www.cityofwestsacramento.org/city/flood/southport_eip/environmental_studies.asp)*

**J. Public Meeting Comment Sheet from Christine Amey, August 19, 2014**

1. Comment: I am a resident of the Washington District Nth of the Tower Bridge “specifically”. We are very excited to hear the property Nth of the boat ramp has recently been purchased with the hopes of developing by building residential on the levee, “on the flood plain”... We would like consideration made for the development of this location and support by the city to help make this project happen... We have been dealing with a blighted, run down infestation of homeless camps for years. The cost to periodically clear the area of trash runs high tax payer dollars... Tons of trash and debris... The area has been made unsafe for public use due to the hazardous materials left in camp sites and along the river... We understand that it may be (10) yrs before any funding is available to begin work on the levees Nth of the Tower Bridge... So we are asking this developer be able to develop the area (perhaps Units on stilts) building similar to Chevy’s on the East side. This would help the eradication of homeless camps and open up the river to the residents, to have the area developed and made available to the public by development.

*Response: Any decisions regarding future development would be determined by the Central Valley Flood Protection Board, with input from the Corps. The development decisions and the flood risk management project approvals are not related to one another, and the decision on whether or not to support development is not contingent on the project being approved and constructed.*

**K. Public Meeting Comment Sheet from John Freeman, August 19, 2014**

1. Sac River North Levee from Broderick Boat Ramp to I Street Bridge should be improved into walkable & bikeable pedestrian usable area.

*Response: Recreation improvements are not proposed as a part of the Federal project. The City of West Sacramento could implement these improvements separate from the flood risk management project.*

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, STE 150 - MS 19  
SACRAMENTO, CA 95833  
PHONE (916) 274-0635  
FAX (916) 263-1796  
TTY 711



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August 25, 2014

032014YOL-0068  
03-YOL-VAR  
SCH# 2009072055

Mr. John Powderly  
West Sacramento Area Flood Control Agency  
1110 West Capitol Avenue  
West Sacramento, CA 95691

**West Sacramento Project – Draft Environmental Impact Report (DEIR)**

Dear Mr. Powderly:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The United States Army Corps of Engineers, West Sacramento Area Flood Control Agency, and the State of California Central Valley Flood Protection Board are proposing to provide flood damage reduction to the City of West Sacramento by repairing the levees that surround the city. The following comments are based on the DEIR.

***Transportation Management Plan (TMP)***

On page 223, Section 3.10.7 Avoidance, Minimization, and Mitigation Measures of the DEIR discusses the preparation of a construction traffic control plan for Alternative 1 through 5. If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction Traffic Impact Study may be required of the developer for approval by Caltrans prior to construction. TMPs must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address: <http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>.

***Encroachment Permit***

Please be advised that any work or traffic control that would encroach onto the State Right of Way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to Bruce Capaul, District Office Chief, Office of Permits, Caltrans, District 3, 703 B Street, Marysville, CA 95901. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked here for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Mr. John Powderly / West Sacramento Area Flood Control Agency

August 25, 2014

Page 2

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Arthur Murray, Intergovernmental Review Coordinator at (916) 274-0616 or by email at: [arthur.murray@dot.ca.gov](mailto:arthur.murray@dot.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Fredericks".

ERIC FREDERICKS, Chief  
Office of Transportation Planning –South

c: Scott Morgan, State Clearinghouse





## Central Valley Regional Water Quality Control Board

30 July 2014

Ms. Anne Baker  
U.S. Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814

CERTIFIED MAIL  
7013 1710 0002 3644 6542

### **COMMENTS TO REQUEST FOR REVIEW FOR THE ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT AND THE DRAFT GENERAL REEVALUATION REPORT, WEST SACRAMENTO PROJECT, YOLO COUNTY**

Pursuant to the Army Corps of Engineers' 7 July 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Environmental Impact Statement/ Environmental Impact Report and the Draft General Reevaluation Report* for the West Sacramento Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).



### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.



### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist





**DELTA STEWARDSHIP COUNCIL**  
*A California State Agency*

980 NINTH STREET, SUITE 1500  
SACRAMENTO, CALIFORNIA 95814  
WWW.DELTACOUNCIL.CA.GOV  
(916) 445-5511

August 29, 2014

**Chair**  
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Mr. John Powderly  
West Sacramento Area Flood Control Agency  
1110 West Capitol Avenue  
West Sacramento, CA 95691

**RE: West Sacramento Project Draft Environmental Impact Statement /Environmental Impact Report**

Dear Mr. Powderly:

Thank you for the opportunity to comment on the West Sacramento Project Draft Environmental Impact Statement /Environmental Impact Report (EIS/EIR). Council staff appreciates the West Sacramento Project's goal of reducing flood risk for the city by proposing additional structural modifications to existing West Sacramento levees to address seepage, slope stability, erosion, and height concerns. This letter provides comments on the Draft EIS/EIR and the environmental information that is relevant to our agency's responsibility in connection with the proposed project.

State law directs the Delta Stewardship Council (Council) to provide "advice to local and planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code Section 85212). The Council adopted the Delta Plan on May 16, 2013, and the Plan's regulatory policies became effective on September 1, 2013. The Delta Plan, including its policies and recommendations, should be acknowledged in the final EIS/EIR's description of the project's environmental setting.

In addition, we recommend that the following matters be discussed or included in the final West Sacramento Project EIS/EIR:

- **Consistency with the Delta Plan.** The EIS/EIR should discuss any inconsistencies between the project and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Note, too, that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.
- **Delta Stewardship Council and Delta Plan.** In the Draft EIS/EIR, Subsection 6.4.2, we suggest replacing the "California Bay-Delta Authority" with the "Delta Stewardship Council."

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*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

– CA Water Code §85054



It is important to note that the Delta Stewardship Council is the successor to the California Bay-Delta Authority and CALFED Bay-Delta Program. The Council oversees Delta activities by consulting with state, federal, and local agencies and ensuring that their projects and activities in the Delta are in compliance with the Delta Plan. The Plan can be found on the Council's web site at <http://deltacouncil.ca.gov/>."

- **Land Use and Agricultural Resources.** The draft EIS/EIR identifies the potential land use and agricultural resource impacts and provides possible mitigation measures. In Section 3.3 Land Use and Agriculture, pages 68 - 69, it also recognizes various federal, state, and local regulations and plans. We commend your efforts on coordination and compliance with different federal, state, and local entities and their regulations. For this reason, the narrative at page 68 - 69 should be revised to include the Council and the Delta Plan. The Council is an independent State agency charged with furthering the achievement of the State's coequal goals and has specific jurisdiction over and regulations related to land use in the secondary zone of the Delta (23 California Code of Regulation [CCR] Section 5010).

In addition, the possible alternatives listed in Section 3.3.3 through Section 3.3.6 should be verified for consistency with **Delta Plan Policy DP P2** (23 CCR Section 5011), which calls for siting flood management infrastructure to avoid or reduce conflicts with local land uses when feasible.

- **Biological Resources.** This draft EIS/EIR provides biological resource impact assessments and identifies "Alternative 5 - Improve Levees and Sacramento River South Setback Levee" as the Net Economic Development (NED) Plan as well as the preferred plan. In the final EIS/EIR, please verify that the project and the possible outcomes will be consistent with policies identified in the Delta Plan. Such policies include **Delta Plan Policy ER P2** (23 CCR Section 5006), which calls for restoring habitats at appropriate elevations; and **Policy ER P4** (23 CCR Section 5008), which states that levee projects must evaluate and, where feasible, incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats.
- **Delta Plan Certification of Consistency.** The Delta Reform Act specifically established a certification process for compliance with the Delta Plan's regulatory policies (<http://deltacouncil.ca.gov/covered-actions>). According to the Delta Reform Act, it is the state or local agency approving, funding, or carrying out the project that must certify consistency with the Delta Plan. This certification is subject to appeal to the Council. A way to streamline the process and make full use of the EIS/EIR is to include the information and analysis needed to support the certification of Delta Plan consistency within the EIS/EIR, including potentially a draft certification as an appendix to the final EIS/EIR.

Please also note that the final Programmatic Environmental Impact Report (PEIR) for the Delta Plan includes a Mitigation Monitoring and Reporting Plan that describes the mitigation required for covered actions. If you should determine this project is a covered action, it will need to comply with the Delta Plan's Policy GP1 (23 CCR Section 5002(b)(2)), which

Ms. Anne Baker  
U.S. Army Corps of Engineers Sacramento District  
Page 3

USACE to adopt a multiple benefits approach to explore and identify additional state-federal joint interests and to carry out projects that will provide significant contribution toward public safety, water supply reliability, ecosystem enhancement and restoration, and economic stability, all of which are vital components to California.

In general, we appreciate USACE's interest to invest in flood safety improvements in the City of West Sacramento and welcome future opportunities to collaborate with your agency to identify, plan, and execute projects in the Delta. Thank you again for the opportunity to provide comments. We look forward to continuing to work with the USACE on this project as well as others. If you have any questions or would like additional information, please feel free to contact me or my staff, You Chen (Tim) Chao at [YouChen.Chao@deltacouncil.ca.gov](mailto:YouChen.Chao@deltacouncil.ca.gov) or (916) 445-0143.

Sincerely,

 FOR  
CINDY MESSER

Cindy Messer  
Deputy Executive Officer  
Delta Stewardship Council

cc: Mr. John Powderly, West Sacramento Area Flood Control Agency



## DELTA STEWARDSHIP COUNCIL

*A California State Agency*

980 NINTH STREET, SUITE 1500  
SACRAMENTO, CALIFORNIA 95814  
WWW.DELTACOUNCIL.CA.GOV  
(916) 445-5511

August 29, 2014

Chair  
Randy Fiorini

Ms. Anne Baker  
U.S. Army Corps of Engineers Sacramento District  
1325 J Street  
Sacramento, CA 95814

Members  
Aja Brown  
Frank C. Damrell, Jr.  
Phil Isenberg  
Patrick Johnston  
Larry Ruhstaller  
Susan Tatayon

**RE: Draft General Reevaluation Report for the West Sacramento Project**

Executive Officer  
Jessica R. Pearson

Dear Ms. Baker:

Thank you for the opportunity to comment on the U.S. Army Corps of Engineers (USACE) West Sacramento Project Draft General Reevaluation Report (GRR). Council staff commends the USACE's efforts in identifying additional federal interest in plans that reduce risk to the City of West Sacramento by proposing 50 miles of levee improvements to existing levees around the city and extending works down along the Sacramento Deep Water Ship Channel.

The Delta Stewardship Council (Council) is a state agency that was created by the California Legislature in 2009 to develop and implement a legally enforceable long-term management plan for the Delta. The Delta Plan, adopted on May 16, 2013, coordinates state and local actions to achieve the coequal goals of protecting and enhancing the Delta ecosystem and providing for a more reliable water supply for California. The coequal goals are to be achieved in a manner that protects and enhances the Delta as an evolving place by reducing flood risk and promoting a healthy economy that includes a mix of agriculture, tourism, recreation, and vital components of state and regional infrastructure. Federal agencies are not subject to the Council's jurisdiction. However, state law specifically directs the Council to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). Therefore, any state or local agency serving as USACE's local sponsor that determines that a proposed activity done in partnership with USACE is a covered action under the Delta Plan would need to certify consistency with the Delta Plan's regulatory policies. In addition, we encourage the USACE and other federal agencies to use the Delta Plan as a guide for actions in the Delta.

### Comments

Based on our review of the Draft GRR for the West Sacramento Project, we recommend the following matters be discussed or included in the Final GRR. The comments provided in this letter are based on the Delta Reform Act and the Delta Plan.

---

*"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."*

*- CA Water Code §85054*



- **Delta Stewardship Council and Delta Plan.** The Council is the successor of the CALFED Bay-Delta Program. On page 1-22 of the Draft GRR, Subsection 1.5.1.7, we suggest replacing "Delta CALFED Program" with "Delta Stewardship Council and Delta Plan." Please consider including the following language: "The Delta Reform Act (California Water Code Section 85212) created the Council as an independent agency of the State and charged the Council 'to develop, adopt, and commence implementation of the Delta Plan.' The Delta Plan is a comprehensive, long-term management plan for the Delta. It creates legally enforceable regulatory policies as well as nonbinding recommendations to further the state's coequal goals for the Delta: improve statewide water supply reliability, and protect and restore a vibrant and healthy Delta ecosystem, all in a manner that preserves, protects and enhances the unique agricultural, cultural, and recreational characteristics of the Delta. The Delta Plan was adopted on May 16, 2013 and its regulatory policies became effective on September 1, 2013. The Plan can be found on the Council's web site at <http://deltacouncil.ca.gov/>."
- **Vegetation Policy.** On page 4-3 and page 4-4, the Draft GRR states:
  - The removal of landside trees to comply with the USACE Engineering Technical Letter (ETL) is inconsistent with the approach the State of California has taken in the Central Valley Flood Protection Plan and corresponding Programmatic Environmental Impact Report (PEIR). The USACE is currently working on a process to address the vegetation management strategy adopted by the State for feasibility studies.
  - The USACE intends to have a policy in place prior to the publication of the final West Sacramento Project EIS/EIR.
  - A vegetation variance will be requested for the Sacramento River portion of the project and a Vegetation Variance Request will be sought by the USACE Sacramento District.

We encourage the USACE to consider **Delta Plan Recommendation ER R4**, Exempt Delta Levees from the U.S. Army Corps of Engineers' Vegetation Policy. This recommendation suggests that the USACE should consider the ecosystem value of remaining riparian and shaded riverine aquatic habitat along Delta levees and agree with the California Department of Fish and Wildlife and the California Department of Water Resources on a variance that exempts Delta levees from the USACE's levee vegetation policy where appropriate.

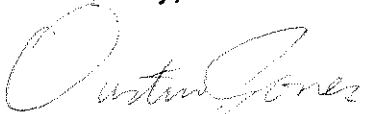
- **Multiple Benefits.** The Draft GRR identifies flood risk management as the only project purpose for both the authorized project and the general reevaluation study. Council staff acknowledges that USACE can play an important role in helping achieve the Delta Plan's coequal goals of water supply reliability and ecosystem restoration while protecting and enhancing an evolving Delta. However, we are concerned that USACE only identified risk reduction as the single purpose of this project, which has prevented the USACE from simultaneously achieving risk reduction and habitat restoration goals. We encourage

Ms. Anne Baker  
U.S. Army Corps of Engineers Sacramento District  
Page 3

USACE to adopt a multiple benefits approach to explore and identify additional state-federal joint interests and to carry out projects that will provide significant contribution toward public safety, water supply reliability, ecosystem enhancement and restoration, and economic stability, all of which are vital components to California.

In general, we appreciate USACE's interest to invest in flood safety improvements in the City of West Sacramento and welcome future opportunities to collaborate with your agency to identify, plan, and execute projects in the Delta. Thank you again for the opportunity to provide comments. We look forward to continuing to work with the USACE on this project as well as others. If you have any questions or would like additional information, please feel free to contact me or my staff, You Chen (Tim) Chao at [YouChen.Chao@deltacouncil.ca.gov](mailto:YouChen.Chao@deltacouncil.ca.gov) or (916) 445-0143.

Sincerely,

 FOR  
CINDY MESSER

Cindy Messer  
Deputy Executive Officer  
Delta Stewardship Council

cc: Mr. John Powderly, West Sacramento Area Flood Control Agency



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Pacific Southwest Region  
333 Bush Street, Suite 515  
San Francisco, CA 94104

IN REPLY REFER TO:  
(ER 14/441)

*Filed Electronically*

2 September 2014

Ms. Anne Baker  
U.S. Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the West  
Sacramento Project, CA

Dear Ms. Baker:

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port  
Regional Environmental Officer

cc:  
Regional Environmental Officer, San Francisco, CA  
OEPC Staff Contact, Loretta B. Sutton, (202) 208-7565



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

SEP 09 2014

Ms. Anne Baker  
U.S. Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Subject: West Sacramento Project Draft Environmental Impact Statement / Environmental Impact Report, Yolo County, California [CEQ# 20140193]

Dear Ms. Baker:

The Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the above project. Our review and comments are pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA acknowledges the need for reliable flood protection in the West Sacramento area and the need to address levee deficiencies as part of the West Sacramento Area Flood Control Agency and the State of California's Central Valley Flood Protection Board's overall flood risk management strategy. We further note that the purpose of the DEIS is to analyze the federal interest in protecting against a catastrophic failure of the levees that would result in major impacts to residents, infrastructure, and property. The West Sacramento Project DEIS, along with Early Implementation Projects for other levees, have provided an opportunity to consider flood protection holistically in the project area and to consider how levee design and maintenance can improve climate change resiliency.

The Southport Sacramento River Early Implementation Project DEIS released in November 2013 overlaps with part of the current proposed project. EPA submitted comments on that DEIS in January 2014. We were pleased that the Southport DEIS included a proposed setback levee, the use of dredged material from the Sacramento River Deep Water Ship Channel Project as a source of borrow material, and limited vegetation removal on the existing levees. This proposals and its environmental impacts are described briefly in the DEIS for the West Sacramento Project, but the document could benefit from references to the more detailed project description and environmental analysis from the Southport DEIS.

EPA has questions and concerns about impacts to wetlands and waters of the U.S. that could be resolved through clarification or additional information. We recommend that the Final EIS provide additional information as to how the preferred alternative was determined to be the Least Environmentally Damaging Practicable Alternative and how the Corps will avoid impacts to wetlands and waters of the U.S. We further recommend that the FEIS outline the timing for when wetlands delineations will be

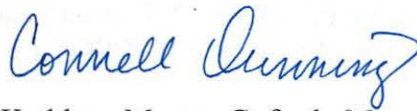


conducted and describe a process for updating the impact analysis if the delineation is significantly different from expected.

In light of the above stated concerns, and as further described in the attached detailed comments, we have rated the DEIS action alternatives as *Environmental Concerns – Insufficient Information* (EC-2). Please see the enclosed “Summary of EPA Rating Definitions.”

We appreciate the opportunity to review this DEIS. Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Jean Prijatel, the lead reviewer for the project. Jean can be reached at (415) 947-4167 or [prijatel.jean@epa.gov](mailto:prijatel.jean@epa.gov).

Sincerely,



*For*

Kathleen Martyn Goforth, Manager  
Environmental Review Section

Enclosures: Summary of EPA Rating Definitions  
EPA Detailed Comments

cc: Marshall McKay, Yoche Dehe Wintun Nation, Chairman  
Raymond Hitchcock, Wilton Rancheria, Chairman  
David Keyser, United Auburn Indian Community, Chairman  
Rhonda Morningstar Pope, Buena Vista Rancheria, Chairperson

## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***"Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***"Category 2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***"Category 3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.



**U.S. EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR WEST SACRAMENTO PROJECT GENERAL REEVALUATION REPORT, YOLO COUNTY, SEPTEMBER 9, 2014**

**Impacts to Waters of the United States**

The Avoidance, Minimization, and Mitigation Measures for the Vegetation and Wildlife section of the DEIS (Section 3.6.7) discusses compensation and standard minimization measures for the alternatives, but does not address how impacts to Waters of the United States would be avoided to the maximum extent practicable. The Section 404(b)(1) Water Quality Evaluation in Appendix F and the DEIS identify the preferred alternative as the Least Environmentally Damaging Practicable Alternative, but do not provide sufficient justification for how that determination was made.

**Recommendation:** Clearly explain, in the FEIS, how the Corps would avoid impacts to wetlands and other waters of the U.S. to the maximum extent practicable. We recommend that the FEIS also include a more explicit discussion of how the preferred alternative was determined to be the LEDPA.

The wetland acreages cited in the DEIS are estimates based on aerial imagery, vegetation type, and some field observations (page 106), but no official delineations have yet been completed. EPA's experience is that on-the-ground delineations can be substantially different from estimates based on aerial imagery.

The DEIS lists acres of wetlands impacted for each levee section, but does not provide tables or maps of wetland and riparian impact locations for the alternatives. Page 106 of the DEIS references Figure 3.6-1 as showing land cover types that are, or could be, wetlands or waters of the U.S.; but the Figure is absent from the DEIS. Additionally, the discussion of impacts does not clearly differentiate between permanent loss of acres and temporary impacts from construction.

**Recommendations:** Explain, in the FEIS, when wetlands delineations will be conducted and how the impact analysis could be altered by any significant changes to the estimated quantity of impacted acreage.

Provide maps and tables to more clearly communicate impacts to wetlands, waters of the U.S., and other habitat types. Show impact numbers broken out into permanent and temporary impacts. We recommend the inclusion of an additional table illustrating impacts for each alternative by habitat type.

**Impacts to Riparian Habitat**

The DEIS alternatives and impacts analysis repeatedly mention and rely upon a vegetation variance to be requested by the Sacramento District from the standard vegetation guidelines set forth in the Corps' Engineering Technical Letter (ETL) 1110-2-583. It appears that the variance would apply to the Sacramento River Levee and the Sacramento River South Levee sections of the project, but it is unclear whether both areas would be covered under a single variance or whether there would be multiple requests and evaluations. The range of impacts to riparian habitat would increase from 65 acres to 99 acres if the variance is not granted for the project. It further appears that the determination of the LEPDA relies upon the variance being issued.

**Recommendation:** The FEIS should clarify the process for, and timing of, requesting a variance and the likelihood that it will be obtained. Include a commitment to conduct additional impact analysis should the variance not be obtained.

The DEIS discloses that there will be a significant temporal loss to riparian habitat as it will take many years for the newly planted trees and plants to mature for permanent mitigation. The DEIS does not specifically identify any mitigation for the temporal loss of riparian habitat. The document further acknowledges the value of heritage trees as natural assets in the project area and references a mitigation measure to comply with local ordinance requirements for removal permits (page 122) and to protect heritage trees that do not need to be removed.

**Recommendations:** The FEIS should describe measures that could mitigate the temporal loss of riparian habitat, and clearly state whether or not such measures would be implemented.

Commit to avoid removal of heritage and non-heritage mature trees in riparian habitat to the maximum extent practicable. Include, in the FEIS, details of the local ordinances and requirements for tree removal permits.

The DEIS provides numbers for riparian acres impacted, but it is unclear whether those acres include areas where erosion control rocks will be placed without removal of all trees and vegetation.

**Recommendation:** Clearly identify the acreage or linear feet of waterside levee that would be hardscaped with rock, as opposed to those areas that will remain riparian habitat with some erosion control.

### **Habitat Mitigation**

EPA appreciates the Corps' apparent sensitivity to the need to avoid destruction of mature forests, wetlands, and shaded riverine aquatic habitat to the greatest extent possible. Where avoidance is not possible, mitigation is proposed, but discussed in general terms with no specific mitigation locations identified.

**Recommendations:** In the FEIS, identify and screen possible onsite and offsite habitat mitigation locations. Potential restoration sites in the vicinity might be found immediately upstream of the project area in and around the confluence of the American and Sacramento rivers and Steelhead Creek (e.g. Yolo County Park, Discovery Park, Camp Pollock).

Commit to implementing mitigation concurrently with the project impacts, and implementing riparian mitigation as early in the project as possible to help compensate for the temporal loss of riparian habitat.

EPA would appreciate the opportunity to review and comment on the Corps' draft mitigation and monitoring plan when it becomes available.

Given the lifespan of the project, the Corps has an opportunity to safeguard genetic diversity and resiliency in the North Delta ecosystem. EPA encourages the Corps to consider hiring a reputable nursery early in project implementation to collect acorns of the oldest and most vulnerable trees; seedlings could be propagated in the nursery for installation on-site or in mitigation areas while preserving the genetic material of the original mature trees. Frequency and yield of acorns from older trees can be limited, making early planning and implementation of this strategy particularly important. A similar strategy could be employed for native prairie species to secure the ecological value of native prairie habitat and the needs of the Western Burrowing Owl.

The Corps proposes perpetual protection for the establishment of elderberries and VELB habitat, but only short-term stewardship for other types of habitat subject to compensatory mitigation (page 121).

***Recommendation:*** In keeping with the federal compensatory mitigation rule, the Corps should commit in the FEIS to take measures to ensure that any mitigation sites established as part of this project are permanently protected and managed with appropriate conservation easements, stewardship endowments, and management plans.

### **Setback Levee**

The preferred alternative proposes a setback levee for the Sacramento River South Levee section of the project. This concept was further analyzed in the Southport Sacramento River Early Implementation Project Environmental Impact Statement/Environmental Impact Report, which EPA commented on in January 2014. EPA encourages the use of setback levees, where possible, to provide opportunities for flood protection and floodplain and ecosystem restoration. The DEIS for the current project states that Corps staff relied upon the previous DEIS for analysis, but does not provide references to or summaries of that analysis in the project description and impact analysis. Without such references to the Southport DEIS, it is difficult to understand if the current project is dependent upon implementation of the Southport project or if the setback levee in the West Sacramento Project DEIS would proceed independent of that project.

***Recommendations:*** EPA recommends that the relationship between the Southport Sacramento River Early Implementation Project at the West Sacramento Project be clarified in the FEIS. Where the project description and environmental analysis relies on the Southport DEIS, the FEIS should provide summaries of and citations to the previous document. Where the description and analysis differ from the Southport project, those differences should be highlighted. The FEIS should also clearly describe the status of the Southport project and potential barriers to its implementation.

### **Reuse of Dredged Material**

The proposed levee measures would use up to 9 million cubic yards of borrow material in their construction. Plate 2-1 provides a map of potential borrow sites, but neither the map nor the DEIS identify which borrow areas are existing dredged material stockpiles. Ongoing Corps projects generate the vast majority of dredged material in the Delta, and past Corps dredging accounts for most of the stockpiles of previously-dredged material around the Delta. This project represents an opportunity to access and reuse stockpiled dredged material.

***Recommendation:*** The FEIS should commit to maximize the use of already stockpiled dredged material and future maintenance material from the Deep Water Shipping Channel to the greatest extent possible. Early coordination between project managers for this project and the DWSC could further provide easily accessible dredged material for the project, thereby reducing environmental impacts.

### **Air Quality**

The DEIS focuses the air quality analysis on borrow site activity and the construction impacts of the project, which would occur over eighteen years, with most levees under construction for one to three years each. Pollutants of concern are identified as ozone, carbon monoxide, and particulate matter, while the discussion also includes toxic air contaminants. Due to the location of the project area and the potential borrow sites, air quality analyses are included for the Yolo-Solano, Sacramento Metropolitan,

and Bay Area Air Quality Management Districts. The DEIS acknowledges that the air quality management districts' regulations may change over the duration of the project and commits to consulting with the districts prior to construction. The air quality analysis in the DEIS is based on a worst-case scenario for borrow sites and miles driven, as the borrow sites have yet to be confirmed.

**Recommendations:** Air quality impacts could vary significantly depending on the location of the borrow sites. To help inform the planning process of borrow site selection throughout the project, the FEIS should include a discussion and summary table detailing the borrow site options and their comparative air quality impacts, and commit to selecting sites that minimize impacts.

### **Alternatives for Erosion Control**

The DEIS includes rock slope protection (also known as riprap) for all of the alternatives. In 2004, the U.S. Fish and Wildlife Service published an updated report *Impacts of Riprapping to Aquatic Organisms and River Functioning, Lower Sacramento River, California*, which documents the negative effects of rock slope protection. Possible alternatives to riprapping are suggested in the FEMA brochure *Engineering with Nature: Alternative Techniques to Riprap Bank Stabilization*. Riprap alternatives include bio-engineering, hydro-seeding, controlled planting, and construction of engineered logjams.

**Recommendation:** Explore alternatives to riprap for erosion control. Discuss such alternative methods in the FEIS, including the extent to which each method would be compatible with the West Sacramento Project needs and the Corps' vegetation policy.

### **Climate Change**

The DEIS states that the action alternatives would improve the resiliency of the levee system with respect to the effects of climate change (beginning page 258), which could include changes to temperature and rainfall, increasing the risk of flooding. In light of the President's November 1, 2013 Executive Order 13653 "Preparing the United States for the Impacts of Climate Change," there is an opportunity with the West Sacramento Project to illustrate and maximize the climate-resilient benefits of levee design and floodplain restoration. The DEIS simply states, for each alternative, that the levee enhancements would improve resiliency, but provides few details.

**Recommendation:** We recommend that the FEIS reference Executive Order 13653 in the discussion of the regulatory environment, and include a more detailed discussion about the impacts to climate change resiliency for each of the alternatives. For example, explain how the differences in the alternatives would change the level of resiliency, particularly for the setback levee in the preferred alternative.

### **Residual Flood Risk**

Even with the proposed improvements to the West Sacramento levees, residual flood risk will remain for the properties protected by the levee system. The National Levee Safety Committee<sup>1</sup> recommends communicating residual risk behind levees on a regular basis, and the DEIS mentions that the General Reevaluation Report discusses educating the public about residual flood risk, but no such discussion is included in the DEIS.

**Recommendations:** In the FEIS, explain how the residual risk behind levees will be communicated to the public, and include a commitment to ensure that this occurs. Such communication should clearly convey: the level of protection provided by the levees during and

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<sup>1</sup> [http://www.leveesafety.org/docs/NCLS-Recommendation-Report\\_012009\\_DRAFT.pdf](http://www.leveesafety.org/docs/NCLS-Recommendation-Report_012009_DRAFT.pdf)

after construction; the fact that levees may fail or be overtopped; and that the area is a floodplain, with indications of the depth of flooding when the levee fails or is overtopped. We recommend that the Corps also commit, in the FEIS, to commenting on the adequacy of the current City of West Sacramento Emergency Operations Plan to provide insights about the project enhancements and residual risk. Consider seeking a voluntary commitment from the City to require flood insurance for structures protected by levees, as recommended by NLSC.<sup>2</sup>

### **Consultation and Coordination with Tribal Governments**

Executive Order 13175 "Consultation and Coordination with Indian Tribal Governments" (November 6, 2000) directs federal agencies to establish tribal consultation and collaboration processes for the development of federal policies that have tribal implications, and is intended to strengthen the United States government-to-government relationships with Indian tribes. The DEIS mentions that the Corps met with the Yoche Dehe, Wilton Rancheria, United Auburn Indian Community of the Auburn Rancheria, and conferred with the Buena Vista Rancheria via phone, but provides no details or results of those meetings.

***Recommendation:*** The FEIS should include details of the meetings and phone consultations with the tribes affected by the project and discuss the impacts and mitigation measures identified through that consultation. It should also note whether ongoing consultation will continue through the duration of the project. Include the tribes in the distribution list for the FEIS and Record of Decision.

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<sup>2</sup> Recommendation #20, Levee Policy Challenges White Paper, 4/2007  
[http://www.floods.org/PDF/ASFPM\\_Levee\\_Policy\\_Challenges\\_White\\_Paper.pdf](http://www.floods.org/PDF/ASFPM_Levee_Policy_Challenges_White_Paper.pdf)







Pacific Gas and Electric Company  
Land Services  
343 Sacramento Street  
Auburn, CA 95603

8/1/14

U.S. Army Corps of Engineers  
Attn: Ms. Anne Baker  
1325 J Street  
Sacramento, California 95814

Re: West Sacramento Project – Draft EIS/EIR

Dear Ms. Baker:

Thank you for the opportunity to review the Draft Environmental Impact Statement/Environmental Impact Report for the proposed West Sacramento Project. PG&E has the following comments to offer.

PG&E owns and operates gas and electric facilities located within the project area. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed improvement plans should provide for unrestricted utility access, and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Any proposed activities with the potential to change the grade above our pipelines (temporary or permanent) must be reviewed and approved by PG&E. Other potential concerns include; 1) compaction over the pipelines due to heavy equipment; 2) Underground Service Alert (USA) location of facilities before excavation near easements; 3) changes in the drainage patterns that could undermine stability of soils around pipelines; and 4) future construction of additional facilities within easements.

**Call 811 to have PG&E's underground facilities located and marked. Please note that PG&E standby personnel is required when potholing gas transmission facilities to confirm depths and/or when construction activities are taking place within five feet of a gas line.**

For electric transmission and distribution facilities G.O. 95 clearances must be maintained at all times. As with the Gas facilities, access to the facilities must be maintained for normal inspections, maintenance and operation of the facilities. Bollards must be installed by the requesting party in front of footings of towers located in areas vulnerable to vehicular traffic. Dust raised during construction could also increase opportunity for flash-overs.

Relocations of PG&E's electric transmission facilities (50,000 volts and above) may also require formal approval from the California Public Utilities Commission. If required, this approval process may take up to two years to complete. Proponents of the levee improvement project with plans that may affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

We recommend that environmental documents for the proposed levee improvement project include an adequate evaluation of the cumulative impacts to utility systems, as well as an evaluation of the significance of PG&E's construction activities, as related to the relocation of its facilities associated with the levee improvement project, for each resource category. This will assure the project's compliance with NEPA/CEQA and reduce potential delays to the project schedule.

The requesting party will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the levee improvement project. Because the relocation of facilities requires long lead times and is not always feasible, the requesting party is encouraged to consult with PG&E as early in their planning stage as possible.

PG&E remains committed to working with the city of West Sacramento to provide timely, reliable and cost effective gas and electric service. Please contact me at (530) 889-5150 if you have any questions regarding PG&E's comments. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

Sincerely,

A handwritten signature in blue ink that reads "Seth Perez". The signature is written in a cursive style with a large, stylized "S" and "P".

Seth Perez  
Land Agent

From: Keith Underwood <KUnderwood@cityofsacramento.org>  
Sent: Tuesday, September 2, 2014 4:16 PM  
To: Kirchner, Alicia E SPK  
Cc: Muha, Andrew T SPK  
Subject: [EXTERNAL] Questions regarding West Sacramento proposed levee changes

Hi Alicia

It was nice to meet and discuss the West Sacramento levee project with you today.

I do have a few questions about silt deposits with changing the levee on the west side of the Sacramento River at the confluence of the mouth to the Sacramento Marina and boat launch facility, Stone Lock (now closed) and where the proposed levee change is in West Sacramento.

- 1) Will the proposed change on the west side levees push more silt to the east side of the river depositing the silt into the entrance channel and launch ramp of the Sacramento Marina? We already must dredge annually at great expense and are trying to minimize this.
- 2) Will the proposed change to the levee change the river flow taking away the silt from the east side of the river so we will be dredging less? Of course this would be ideal from our perspective.
- 3) After the new levee is built is the existing levee going to be removed or allowed to slowly wash away giving the new levee behind it flood control and making the actual river wider at that location? If so is there a time line that the levee would be gone? This is asked with the understanding that river flows would be a major contributor and nobody can predict with absolute accuracy.

As discussed today in the meeting the reason for us to look into this is we are researching the feasibility of a wing dam or other structure to help with the displacement of silt away from the entrance to the Sacramento Marina and boat launch facility and this levee project may have some impact on that. I very much appreciate your time and expertise on this matter and look forward to hearing back when you have a chance.

Best regards

Keith Underwood

Marina Manager

Sacramento Marina

City of Sacramento

Office 808-5712

**YOKOYAMA FARM  
3000 SOUTH RIVER ROAD  
WEST SACRAMENTO, CA 95691**

September 1, 2014

Mr. Tyler Stalker  
US Army Corps of Engineers, Sacramento District  
1325 J Street; Sacramento, California 95814-2922

**RE: YOKOYAMA FARM COMMENTS ON THE USACE DRAFT EIS-EIR**

Dear Mr. Stalker,

On January 6, 2014, I submitted comments on the WSAFCA Southport Sacramento River EIP/EIS/EIR and have added the document to this letter. I was not contacted by WSAFCA that they had responded to my January comments, and only recently learned of their actions to approve the EIS/EIR. The construction of a Southport setback levee will destroy our home and farmland. After reviewing their broad, inconsistent and undocumented responses to my concerns, I find that they have dismissed major construction and environmental issues as follows:

1. Other cost effective alternatives are available for 200 year flood control that will not destroy our property by construction of a setback levee. Even though WSAFCA claims that these alternatives are under consideration, they are currently proceeding with plans to build the setback levee on our property. WSAFCA has authorized contracted vendors to repeatedly contact me by phone demanding to inspect our home for appraisal, answer questions regarding land use, and approach family members for information regarding occupancy.
2. The proposed setback levee has structural flaws including possible seismic instability and potential failure in a 200 year flood. These structural deficiencies have not been specifically addressed or shown to be resolved in the WSAFCA EIS-EIR. Publication of the MBK 2011 model showed setback levee failure, and now WSAFCA states that failure is not evident when the predictive model was reanalyzed. The setback levee construction needs evaluation by another engineer before declaring the design is safe.
3. The collateral environmental consequences of the inter-levee area created by a setback levee outweigh the public good including the introduction of wildlife, especially mosquitoes that vector infectious human diseases that can cause epidemics in the metropolitan Sacramento region. Many examples of the incompatibility of urban wildlife populations with human populations are readily available throughout the area including the report this month of a mountain lion on the American River Trail. The WSAFCA negligently responds that mosquitos will be insignificant and the proposed environmental area will prevent wildlife encroachment in residential areas. These issues need to be addressed by an urban wildlife ecologist.

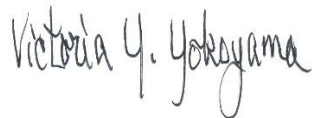


4. The WSAFCA claim that the inter-levee area between the existing degraded levee and setback levee will create a sustainable ecological zone compatible with new wildlife habitats and spawning ground for fish is conceptual, biologically inaccurate, and needs documentation with examples from similar construction in highly urbanized areas.
5. The WSAFCA claim that human activities on the setback levee will not cause levee erosion is inconsistent with the current conditions on the levee bank. Multiple rutted trails created by people are visible from in any satellite image of the existing levee on our property and in the south area between the Barge Canal and the Sacramento River.
6. The WSAFCA EIS/EIR is misleading in representing our farmland as non-irrigated and inconsequential because we have built multiple agricultural wells on our land and on our neighbor's land to the north. Our farm operations have supported local families who have depended on year-round agricultural activities on our farm for decades, including production of high cash vegetable, melon, and field crops.
7. The WSAFCA claim that the agency does not intend to create a mitigation bank from the inter-levee area on our land is false as they have already filed an application.
8. Construction of a setback levee will require more than 17 years as proposed in the EIS/EIR because no source of borrow material to construct the massive structure has been identified. No plan has been provided to begin mining the borrow that is synchronized with approval and construction deadlines. Thus, exposure to a potential 200 year flood event will be prolonged during the excessive construction period.

The setback levee plan has created the illusion of constructing a utopia for natural vegetation and wildlife that qualifies the project for state environmental funding. In reality, the setback levee will create a huge polluted, eroding channel supporting exotic species and the eventual trapping, poisoning, and slaughter of obnoxious wildlife. The WSAFCA plan was developed under secrecy, and I am perhaps the last hopeful landowner to respond to municipal, regional, and federal intent to proceed with construction of the setback levee. The setback levee will not be completed during my life time, and for the second time in the past several decades, Japanese Americans will be forcibly removed from our homes and land ending the legacy of our family heritage.

Please contact me if you have any questions and I appreciate your consideration.

Sincerely,

A handwritten signature in dark ink, reading "Victoria Y. Yokoyama". The signature is written in a cursive, flowing style.

Victoria Y. Yokoyama

**YOKOYAMA FARM  
WEST SACRAMENTO, CALIFORNIA**

**January 6, 2014**

**RESPONSE TO WSAFCA SOUTHPORT SACRAMENTO RIVER EIP/EIS/EIR**

**by Victoria Y. Yokoyama**

**Submitted by Email and U.S. Mail to:**

**Ms. Tanis Toland  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814**

**A. History.**

Our farm is located on South River Road, north of Linden Road in Segment F of the West Sacramento Area Flood Control Agency (WSAFCA) Southport Sacramento River Early Implementation Project, Environmental Impact Statement, Environmental Impact Report (EIP/EIS/EIR) dated November 2013 (Fig. 1).

The Yokoyama farm is part of our heritage created by our parents, Harry Masaru and Aya Yokoyama who were born in Sacramento, and our grandparents who immigrated to Sacramento in the early 1900s. Our family was forcibly removed from California and placed in concentration camps during World War II (WWII) (Conrat 1972). Our grandparents, parents and children returned to their home in Sacramento after the war. In 1947 as tenant farmers they built their temporary first home in what is now considered Segment G of the EIS/EIR. In 1966, they purchased their land, and later built their dream home in its current location.

The Sacramento region is rich with Japanese American history which is rooted in farming (Maeda 2000). Our family farm has produced both field crops and high cash vegetable crops to supply local and regional markets with grain and fresh produce. At one time more than 100 leased acres were in production with green onions to fulfill domestic markets. Our future production will be focused on organic produce with an anticipated annual value of \$296,000-\$390,000 with local outlets including a farmer's fruit stand and retail grocery stores (Santa Ana 2012, Yolo County Agriculture Department 2013). Additionally, we will be involved in the promotion of agri-tourism (Lynch 2008) and specialty crop production research.

The West Sacramento levee system has never failed during Sacramento River high water events since my parents first farmed in the area. South River Road on top of the levee provides a tourist's vista of the Sacramento River and has been a popular attraction in California for many decades (Dillon 1982).



The WSAFCA EIP/EIS/EIR will destroy the integrity and history of the West Sacramento area by implementation of the proposed Alternative 5 with construction of a setback levee to meet the 200 year criteria for flood control. I am presenting justifications for alternatives to the Alternative Plan 5 for the Yokoyama Farm, and documenting inadequacies of the WSAFCA preferred Alternative 5 plan.

## **B. Confiscation and Loss of Our Home and Land.**

Under the WSAFCA Alternative Plan 5 our home and our fertile river frontage farmland will be condemned and destroyed (Fig. 2). A major street, Village Parkway will divide our land in half in a north-south direction isolating the eastern half from the western half of the farm. I have met with the WSAFCA staff regarding the Village Parkway construction through our property under their pretense that the street was mandatory regardless of levee plans. I have now learned after reviewing the EIS/EIR that Village Parkway is only mandatory in the WSAFCA preferred Alternative Plan 5. In highly questionable actions, the agency has sought property appraisals from many landowners affected by Alternative Plan 5 without regard to the outcome of the EIS/EIR.

Our family was removed from their home and farm in World War II and we do not intend to be forced to leave again. We propose an adjacent levee, cutoff wall, and narrow seepage berm as geotechnical engineering solutions to save our home and river frontage farmland. The alignment of Village Parkway Road atop the existing levee will prevent endangering and hindering farm operations, and prevent potential economic ruin of our farm.

## **C. Levee Improvement Methods to Prevent Personal Property Loss to the Yokoyama Farm in Segment F.**

### **1. Implementation of an Adjacent Levee and Narrow Seepage Berm.**

- a.** Geotechnical Environmental Water Resources Construction Services (ENGEO) conducted an independent geotechnical engineering study and their results show that alternative levee repair methods can be used to reduce the extreme loss of personal property on the Yokoyama Farm. The results of the ENGEO study (Appendix 1) clearly states that an adjacent levee with 100 foot wide seepage berm will result in superior mitigation against underseepage compared to the setback levee with seepage berm. Underseepage is the primary geotechnical issue in Segment F.
- b.** ENGEO and Seecon Financial and Construction (Seecon), the largest landowner in Segment F, developed a Hybrid Alternative Plan (Fig. 3) implementing an adjacent levee with narrow seepage berm. Seecon is our northern neighbor and the Yokoyama Farm and other West Sacramento farm families have been growing crops on their land for three generations. Although, our home is shown in the maintenance corridor in this plan, ENGEO has provided other levee repair techniques (Appendix 1) that can be implemented to save our house including a partially penetrating cutoff wall with

narrower seepage berm or relief wells. Relief wells are described and designated in the EIS/EIR for site specific conditions.

## **2. Implementation of an Adjacent Levee, Cutoff Wall, and Narrow Seepage Berm**

- a. A shallow cutoff wall in conjunction with a seepage berm was considered for evaluation for the Yokoyama Farm by the WSAFCA Board in a letter dated September 6, 2012. A hybrid combination will prevent the unacceptable, severe loss of personal property that will occur in Segment F with the use of a 300 foot wide seepage berm (Alternatives 1 and 3) or a setback levee and wide seepage berm (Alternatives 2, 4, and 5). Hybrid combinations have been implemented in several locations, notably the southern part of Segment B, to save homes and land in Alternative 1-5 plans. This would be a feasible plan for the Yokoyama Farm and is specified by ENGEO in Appendix 1 as a solution to prevent severe personal property loss to fulfill flood repair criteria.

## **3. Implementation of an Adjacent Levee and Cutoff Wall.**

- a. A cutoff wall was requested for consideration by WSAFCA for the Yokoyama Farm since the beginning of 2012. Segment G, north of Segment F will be provided with an 84 foot deep by 3 foot wide slurry cutoff wall for a subdivision of homes. This subdivision is on land that was previously farmed by our family since the end of WWII. Thirty to 40 foot cutoff walls have been provided in other segments of Alternatives 1-5, and used in the southern portion of Segment B to save homes. A cutoff wall in combination with other underseepage mitigation measures also need to be considered for our home and farmland in Segment F.

## **4. Maintain South River Road Atop of Existing Levee.**

- a. Alternative Plans 1 and 3 maintain South River Road in its present alignment atop the existing levee in most of the segments. Retention of South River Road in its current position would prevent the Yokoyama Farm from division into two isolated parcels (Fig. 2). Furthermore, the integrity and scenic beauty of this famous Sacramento Delta road (Dillon 1982) will enhance tourism in the area. Emergency and maintenance vehicles will also have access to the levee vicinity, a service not readily available with a setback levee.

## **D. Inadequacies of a Setback Levee in WSAFCA Alternatives 2, 4 and Preferred Alternative 5.**

### **1. Setback Levee Breached in 200 Year Flood Event.**

- a. The existing levees in West Sacramento have never been breached, but a setback levee is proposed by the WSAFCA in Alternative 2, 4 and Preferred Alternative 5 as a remedial solution for 200 year flood control. However, use of a setback levee will require removing portions of the existing levee to allow water to flow in and out of

the floodplain channel. The setback levee is no taller in height than the existing levee so in a 200 year flood event, the setback levee will be breached with water spilling over the top according to the 100 and 200 year flood 2D hydraulic model as reported by MBK Engineers, June 29, 2011.

## **2. Widen Flood Plain and Increase River Meandering.**

- a. Setback levees would be difficult or impossible to build in Segment F where the floodplain between levees is currently planned for urban development. Setback levees allow rivers to meander within the floodplain created by the levees (Bolton and Shellberg 2001). When the existing river channel is narrower or pinched downstream, and the setback levee widens the floodplain channel upstream, backwater is created during high flows contributing to aggradation and raising of the riverbed (Lai and Bountry 2007). The potential for river meandering and change in flow characteristics associated with pinching of the levee systems downstream (Bozkurt et al. 2000) needs to be addressed as flood protection will be compromised by the setback levees in the WSAFCA Alternatives 2, 4 and 5.

## **3. Lack of Borrow.**

- a. The source of borrow to build the 3.6 miles of setback levee in WSAFCA Alternative 5 is dubious and has not been committed to the project by any individuals or organizations. Although the Yokoyama Farm has been identified as a source of borrow, we will not allow the upper layers of prime farm soil or the fertile top soil to be removed or disturbed. Excavation, removal of soil, and further lowering of the land elevation at our location or at similar sites will aggravate underseepage conditions. Excavating the inter-levee area between the existing levee and the setback levee will result in permanent standing, underseepage water in the channel (National Technical Information Service 1956).

## **4. Conceptual Habitat Restoration in the Inter-levee or Offset Floodplain Area between the Existing and Setback Levees.**

### **a. Two Examples within the EIS/EIR of Previous Restoration Failures.**

- 1. The river side of the levee on our property in Segment F was reinforced with boulders and rock by the California Department of Water Resources (CDWR) in 2006. CDWR preserved the existing trees and native oaks on the riverbank, and planted native vegetation which was maintained with an irrigation system until established. Fencing and warning signs indicating the bank was under restoration were installed to prevent trespassing and damage. Today this section of the levee on the river side is rutted with human paths to the water edge. Fishermen have created artificial beaches. Discarded furniture, major appliances, tires, toxic waste, debris, rubbish and human waste has been dumped over the side of the levee. The garbage will never be removed by the city or county. The original fencing and much vegetation has been destroyed. Feral cats have removed the natural wildlife on the bank and raccoons are the prevalent wildlife species. The

site is commonly used by the homeless and for illegal drug activity. The West Sacramento Police Department has limited resources to respond to complaints.

2. The confluence of the Sacramento River and Barge Canal at the northeast corner of the WSAFCA EIS/EIR is shown in Fig. 4. Before the Barge Canal was opened in 1961, a flood basin was created at this corner with two additional levees on the north-south and east-west sides. Using his tractor, my father disked the base or footprint area for the two levees for their construction. The resultant basin was filled with sand dredged from the Sacramento River channel creating a sand dune area. A natural succession of trees, vegetation, and wildlife slowly inhabited the site. Once West Sacramento City began to expand, and homes were built south of the Barge Canal, the once pristine habitat was destroyed by human activity (Fig. 4).

#### **b. Degraded Ecosystems Formed by Setback Levees.**

The WSAFCA EIS/EIR does not demonstrate that the Alternative 5 plan will restore wildlife and speculates that new habitats will occur in the inter-levee between the existing and setback levees. Available literature shows that reconfiguring channels to add meanders in river restoration leads to a decrease in biodiversity because of biologically unsuitable flow regimes and degraded habitat (Palmer et al. 2009). Channelization tends to result in increased water temperatures, allows flora and fauna to be swept away during high flows, and during low flow or dry seasons contain insufficient water depth to sustain temperature and dissolved oxygen for living organisms (Bolton and Shellberg 2001). Human activities in the inter-levee or channel zone result in a reduction in habitat diversity affecting the abundance and diversity of wildlife that can be sustained (Simpson et al. 1982). With changes in optimal environmental conditions, stresses are placed on plants and animals limiting reproduction, survival, and growth (Lynch et al. 1977). The artificial inter-levee habitat would be of lower quality than natural wetlands and likely to be invaded by invasive species (Esty 2007).

#### **c. Future Economic Losses.**

The concept of restoration of habitat and biodiversity by re-configuring channels, in this case by use of setback levees, is not a wise investment (Palmer et al. 2009). The inevitable adjustments that occur in the channel may lead to extensive and costly maintenance to retain the engineering objectives (Bolton and Shellberg 2001). Conservation resources are limited and efforts to conserve riparian or any habitat must be feasible and compatible with human use (Hunter et al. 1999). The WSAFCA Alternative 5 plan is not feasible in Segment F, requires oversight responsibilities, and lacks specific resources for monitoring for compliance. These costs have not been considered or included in the WSAFCA EIS/EIR. Furthermore, cost overruns will be extreme considering that construction of a 2,200 foot setback levee on the northeast corner of the EIP/EIS/EIR cannot be completed after 3 years under construction (Fig. 4). Long term delays in setback levee construction will cause

unmeasurable and irreversible damage to existing riparian forests, native vegetation, wildlife, fish, and other aquatic life.

**d. Oppose WSAFCA Mitigation Bank**

The WSAFCA applied for a mitigation bank based on the inter-levee or offset floodplain in Alternative 5 without contacting affected home and landowners, and public comments were not solicited for the application. However, our comments concerning the deficiencies of the setback levee and proposed habitat restoration are addressed in this response to the WSAFCA EIS/EIR. The WSAFCA Alternative 5 will allow confiscation of private lands for a mitigation bank to sell credits to developers for profit. We oppose the mitigation bank and such actions by WSAFCA as unethical.

**e. Contamination of the Inter-levee Channel with Pollutants.**

The upper Sacramento River may be the source of organic and inorganic pollutants including pesticides (Taylor et al. 1996) and heavy metals that may collect in the inter-levee floodplain in WSAFCA Alternative 5 due to insufficient flushing by water flow through the channel. Pollutants will enter the plant and animal food chain and cause die backs of wildlife and protected species.

**f. Insufficient Environmental Conditions to Preserve Endangered Species.**

1. Habitat for many endangered species of shrimp, fish, and amphibians is not preserved by either the channel bed substrate, water flow patterns, or anticipated dry conditions during droughts and arid seasons in WSAFCA Alternative 5. Water flow characteristics in the inter-levee channel between the existing and setback levee are not well described. Stream flows are needed to remove undesirable accumulations of fines, sand, and other sediment, and periodic flushing is needed for gravel to create a suitable habitat for aquatic animals (Milhous 1998). Spawning gravel for salmon require high pressure, and short flows to remove fine sediments for embryos to survive (Wu 2000). In Alternative 5, the inter-levee channel will be dredged for borrow and the final stream bed is not described, so fish spawning is impossible.
2. Conservation of Swainson's hawks will not be enhanced by the inter-levee offset floodplain because the bird of prey requires agricultural habitats that include large tracts of alfalfa and grazed grasslands for foraging (Swolgaard et al. 2008). WSAFCA Alternative 5 will remove extensive tracts of farmland currently used for hay production reducing the protected species foraging habitat.

**g. Urban Wildlife Conflicts Created by an Inter-levee Restoration Area.**

1. Wild animals may be attracted to inter-levee area but can present a threat to human safety and cause property damage (National Wildlife Research Center 2010). Coyotes are common on the Yokoyama Farm. Predation on pets is the primary contributor to human-coyote conflict, and domestic cats or dog are consistently found in coyote dietary studies (Gehrt 2007). Mountain lions have been personally sighted and reported by others in the area.
2. Densely populated areas adjacent to the inter-levee area may exacerbate human-wildlife-pet disease transmission (Dunbar et al. 2007). Raccoons, opossums, skunks, coyotes, foxes, and bats utilizing the inter-levee area will be close to homes and may vector and transmit rabies, a fatal viral disease of humans and pets (National Wildlife Research Center 2010). Wildlife is also a source of internal and external parasites including worms, fleas, ticks, and mange mites that can transmit diseases such as canine distemper and heartworm (Dryden and Ridley 1999) to domestic animals.
3. Increased densities of wildlife associated with the inter-levee area can also result in a higher prevalence of diseases in urban wildlife that may be greater than what is found in rural habitats impairing reproduction, immune health, and survival (Ditchkoff et al. 2006). These adverse effects on wild mammals and birds may decimate desired species.
4. Mosquitoes will breed in the inter-levee channel water and create a biting nuisance to nearby communities including Sacramento on the opposite side of the river. Mosquitoes including *Culex* spp., *Anopheles* spp., and *Aedes* spp. are vectors of human diseases including western encephalitis, malaria, West Nile virus (Lawler and Lanzaro 2005) yellow fever, and dengue. Mosquitoes endanger the entire Sacramento Metropolitan Region, yet mosquito control methods are not presented in the WSAFCA Alternative 5 plan. Furthermore, underseepage in the dredged inter-levee channel will create continuous standing water for mosquito breeding.
5. Burrowing activities of California ground squirrels can potentially compromise a levee during a flood event (McGrann et al. 2013). The conversion of woodland habitats to grasslands on levees most likely will result in increased occurrence and abundance of ground squirrels and pocket gophers, and thereby increase the potential threat that their burrowing activities pose to levee integrity (Ordeñana et al. 2012). The land side of the setback levee in Alternative 5 will be grassy and without trees, and although not specified in the plan, will require control of ground squirrels. Rodenticide grain baits are currently used by the Yolo County Reclamation District 900 in multiple bait stations placed near the levee on the Yokoyama Farm. The use of toxic bait to control ground squirrels is associated with the death of cotton tail rabbits on our farm. Poisoned squirrels and rabbits will be eaten by predators and scavengers including dogs, coyotes, foxes, vultures, and hawks causing further animal deaths in the food chain.

## 5. Adverse Recreational Activities.

Fishing will cause severe erosion of the setback levee and remove fish that were intended to spawn in the inter-levee channel, which is a primary restoration objective of the WSAFCA Alternative 5. Habitat restoration requires decades of optimum environmental conditions and continuous maintenance, but human activities as described in 4.a.1 and Fig. 4 can destroy the inter-levee area within months. Access roads on top of the adjacent and setback levees in Alternatives 2, 4, and 5 would expedite the rapid deterioration of any potential natural habitat.

## E. Conclusions

The Yokoyama home and farmland, established by four generations of Japanese Americans in West Sacramento can be saved with the least amount of personal property damage by an adjacent levee and narrow berm, or cutoff wall and narrow berm, and/or additional measures such as relief wells to control underseepage and fulfill 200 year flood levee repair criteria. WSAFCA EIS/EIR Alternatives 1 and 3 will prevent Village Parkway Road from crossing the middle of the farm, splitting the land in half, and hampering farming operations that provide the family and others dependent on the farm for income.

The set-back levee utilized in Alternatives 2, 4, and the WSAFCA preferred Alternative 5 will not prevent a breach, and flood water will spill over the top in a 200 year flood event. The inter-levee channel created between the existing and set-back levees will not provide new habitats for endangered species, and will create severe human-wildlife conflicts as well as exposing people to dangerous communicable diseases in the region including the Sacramento Metropolitan area. Based on previous local restoration projects, any inter-levee habitat created by the set-back levee will be rapidly destroyed by human activity, shelter illegal activities, and will not be monitored or policed. The WSAFCA preferred Alternative 5 causes the greatest loss of personal property, and presents the greatest waste of taxpayer funds and government resources in the EIP/EIS/EIR.

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**Swolgaard, C. A., K. A. Reeves, and D. A. Bell. 2008.** Foraging by Swainson's Hawks in a vineyard-dominated landscape. *Journal of Raptor Research*. 42: 188-196.

**Taylor, G. E. Jr., K. B. Schaller, J. D. Geddes, M. S. Gustin, G. B. Lorson, and G. C. Miller. 1996.** Microbial ecology, toxicology and chemical fate of methyl isothiocyanate in riparian soils from the upper Sacramento River. *Environmental Toxicology and Chemistry* 15: 1694-1701.

**Wu, F. C. 2000.** Modeling embryo survival affected by sediment deposition into salmonid spawning gravels: Application to flushing flow prescriptions. *Water Resources Research* 36: 1595-1603.

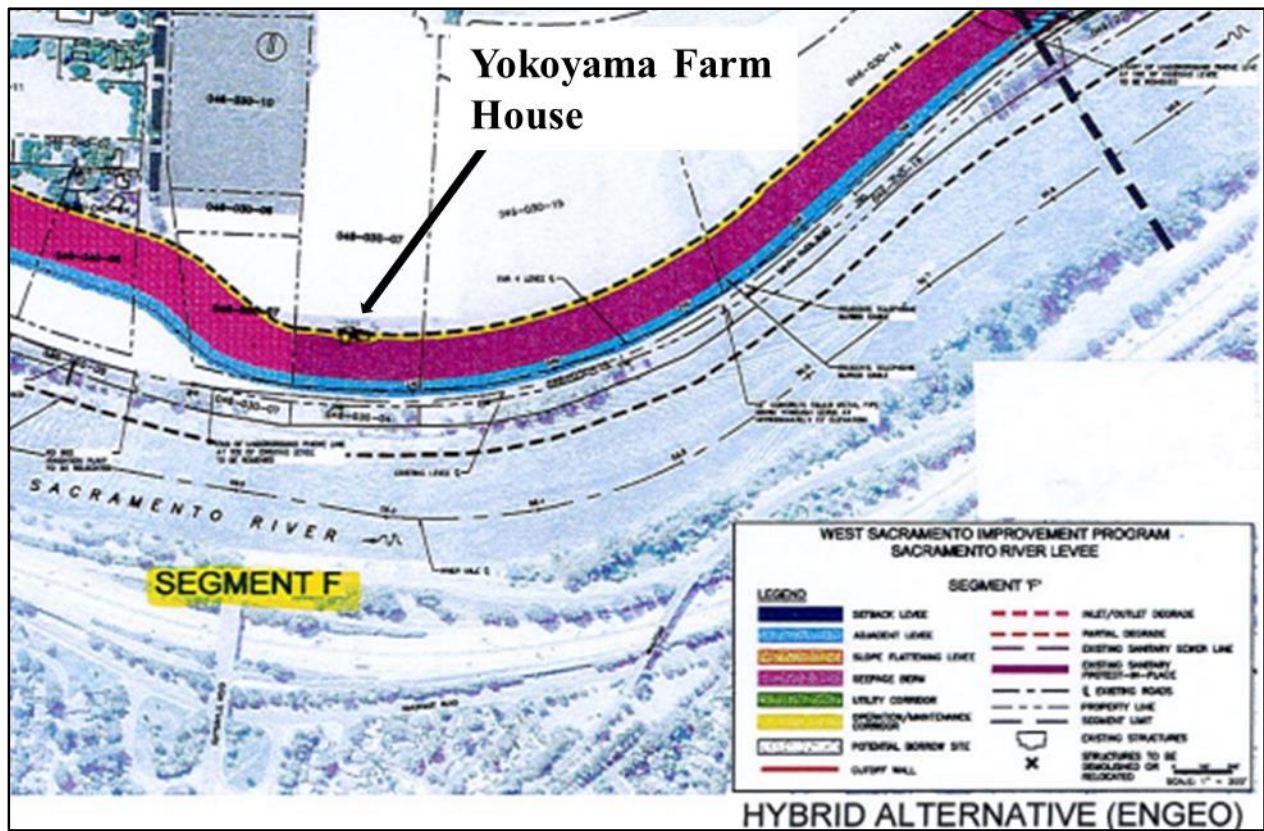
**Yolo County Agriculture Department. 2013.** Yolo County 2012 Agricultural Crop Report. Yolo County Department of Agriculture and Weights and Measures, Woodland, California.



**Fig. 1.** Location of the Yokoyama Farm in Segment F of the WSAFCA EIP/EIS/EIR on South River Road in West Sacramento. View is to the south from the Barge Canal.

**Fig. 2.** The Yokoyama house and farm in Segment F and the position of the setback levee and Village Parkway Road in the WSAFCA Alternative Plan 5 that will result in condemnation of the fourth generation Japanese American family home in the inter-levee floodplain, and division and loss of farmland established in 1966.





**Fig. 3.** Location of the Yokoyama farm and home in the Hybrid Alternative plan developed by ENGEO titled, “Seecon Proposed Adjacent Levee with Seepage Berm.” Additional measures described by ENGEO in Appendix 1 and the ENGEO/Seecon alternative plan will help save the Yokoyama family home and most of the river frontage farmland.



**Fig. 4.** Construction of the setback levee at the northeast corner of the WSAFCA EIP bordered by the Barge Canal on the north, Sacramento River on the east, and Jefferson Boulevard on the west. Work on the project began on April 6, 2011 and 3 years later, the 2,200 foot long setback levee has not yet been completed. The vacant area in the figure was created on the east by the setback levee, on the north by the barge canal levee, and on the west and south sides by existing levees. Off road vehicles, dirt bikers, paint ballers, hunters, and horseback riders have severely eroded trails into the area that is posted with no trespassing signs. Squatting by homeless people and illegal dumping is common. The closure of the South River Road to construct the setback levee has created a haven for drug dealers and crime due to isolation caused by the absence of regular traffic. An intent of the setback levee project was preservation of wildlife habitat, but few desirable native plants and wildlife find sanctuary in the vicinity.





GEOTECHNICAL  
ENVIRONMENTAL  
WATER RESOURCES  
CONSTRUCTION SERVICES

Project No.  
**9401.001.000**

January 8, 2013

President William Denton and  
Members of the Board of Directors  
West Sacramento Area Flood Control Agency  
110 West Capitol Avenue, 2<sup>nd</sup> Floor  
West Sacramento, CA 95691

Subject: Segment F Yokoyama Farm  
3000 South River Road  
West Sacramento, California

### **GEOTECHNICAL CONSIDERATIONS**

Honorable President Denton and Members of the Board:

On behalf of our client, Victoria Yokoyama, we reviewed the geotechnical information provided for Segment F of the Southport Early Implementation Project (EIP) in West Sacramento. The purpose of this letter is to highlight several important geotechnical engineering issues regarding the levee alternatives for Segment F.

The March 2012 Project Design report identifies two alternatives for Segment F, an Adjacent Levee with seepage berm and a Setback Levee with seepage berm. The design team's engineering analysis shows that the Adjacent Levee with seepage berm results in superior mitigation against underseepage when compared to the Setback Levee with seepage berm. While the Adjacent Levee was the preferred alternative earlier this year, due to State cost sharing, the design team and West Sacramento Area Flood Control Agency's (WSAFCA) selected the Setback Levee with seepage berm as the preferred alternative. As you know, the WSAFCA selection of the Setback Levee as the preferred alternative for Segment F will require acquisition of much of the Yokoyama property and demolition of their house.

From a geotechnical engineering perspective, if WSAFCA selects the Adjacent Levee with seepage berm for implementation, then the Yokoyama house can possibly be saved. The geotechnical information provided by the design team indicates that one of the primary geotechnical issues in Segment F is underseepage, which is to be mitigated with a seepage berm approximately 100 feet wide. It is our opinion that the footprint of a seepage berm associated with the Adjacent Levee can possibly be reduced such that the Yokoyama house can remain. This would require additional mitigation measures to reduce the exit gradient at the toe, such as a partially penetrating cutoff wall with narrower seepage berm or use of relief wells.

The use of relief wells was dismissed by the design team as technically infeasible for Segment F. Following our review of the subsurface data in Segment F, we conclude that there is a significant and continuous confining layer that can make relief wells a viable alternative. This is also confirmed and clearly shown on Exhibit G-69 of the BCI technical memorandum, dated February 27, 2012.

Appendix 1, cont.

West Sacramento Area Flood Control Agency  
Segment F Yokoyama Farm  
GEOTECHNICAL CONSIDERATIONS

9401.001.000  
January 8, 2013  
Page 2

Based on our findings, we suggest that the merits of these potentially viable alternatives be considered by your design team.

If you have any questions or comments regarding this letter, please call and we will be glad to discuss them with you.

Sincerely,

ENGEO Incorporated



Mark M. Gilbert, GE



Jonathan C. Boland, GE

cc: Victoria Yokoyama





US Army Corps  
of Engineers  
Sacramento District

## Public Comment Sheet

Name: Christine Amey Phone: (916) 270-7444

Address: 600 William St West Sac. 95605

E-Mail: ameyca@gmail.com

### Comment/Question:

I am a resident of the Washington  
District N<sup>th</sup> of the Tower Bridge "specifically"  
We are very excited to hear the property  
N<sup>th</sup> of the boat camp has recently been  
purchased with the hopes of developing by  
building residential on the levee "on the  
flood plane". We would like consideration  
made for the development of this location  
and support by the city to help make  
this project happen.... We have been dealing  
with a blighted, <sup>blighted</sup> run down infestation of home-  
-less camps for years. The cost to periodically

→

Clear the area of trash runs high tax  
payers dollars .... Tons of trash and debris

The area has been made unsafe for pub  
use due to the hazardous materials left in  
camp sites and along the river ....

We understand it may be (10) yrs before  
any funding is available to begin work on  
the levees with of the Tower bridge ... S  
we are asking this developer be able to  
develop the area (perhaps units on stilts)  
building similar to Cherry's on the East side.  
This would help the eradication of homeless  
camps and open the river up to the  
residents, to have the area developed  
and made available to the public to



US Army Corps  
of Engineers ®  
Sacramento District

# Public Comment Sheet

Name: John Freeman Phone: 916 606-1772

Address: 210 3rd st

E-Mail: J.T.FREEMAN@LIVE.COM

## Comment/Question:

SAC River North Levee From Broderick Boat Ramp  
to I street Bridge should be improved  
into walkable & bikeable predistrian  
usable Area.



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

CESPK-PD-RA (1102-2-1150a)


JUL 06 2009

MEMORANDUM FOR Commander, U.S. Army Records Management and Declassification  
Agency, ATTN: AAHS-RD, Army Federal Register Liaison  
(Ms. Brenda Bowen), Casey Building Room 102,  
7701 Telegraph Road, Alexandria, VA 22315-3860

SUBJECT: Notice of Intent – West Sacramento Project, California, General Reevaluation  
Report, Environmental Impact Statement/Environmental Impact Report

Enclosed are three copies of our Notice of Intent (NOI) to prepare the  
Environmental Impact Statement/Environmental Impact Report for the West Sacramento Project,  
California, General Reevaluation Report. Please place the NOI in the Federal Register at the  
earliest possible time.

3 Encls  
1 CD

  
THOMAS C. CHAPMAN, P. E.  
COL, EN  
Commanding

CF: (with Enclosure)  
Commander, U.S. Army Corps of Engineers, South Pacific Division, 1455 Market Street,  
San Francisco, CA 94103



**BILLING CODE: 3720-58**

**DEPARTMENT OF DEFENSE**

**Department of the Army; Army Corps of Engineers**

**Notice of Intent to Prepare an Environmental Impact Statement/Environmental  
Impact Report for the West Sacramento Project, California, General Reevaluation  
Report**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The action being taken is the preparation of an environmental impact statement/environmental impact report (EIS/EIR) for the West Sacramento Project, California, General Reevaluation Report (GRR). The GRR will re-evaluate the currently authorized plan as well as develop and evaluate opportunities to reduce flood risk, increase recreation, and restore the ecosystem along the Sacramento River in and around the City of West Sacramento.

**DATES:** A public scoping meeting will be held on July 21, 2009, from 3:00 to 5:00 and 6:30 to 8:00 at the West Sacramento City Hall, 1110 West Capitol Avenue, West Sacramento, CA. Send written comments by August 21, 2009 to the address below.

**ADDRESSES:** Send written comments and suggestions concerning this study to Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District,  
Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814.  
Requests to be placed on the mailing list should also be sent to this address.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action

and EIS/EIR should be addressed to John Suazo at (916) 557-6719, e-mail:

[john.suazo@usace.army.mil](mailto:john.suazo@usace.army.mil) or by mail to (see **ADDRESSES**).

#### **SUPPLEMENTARY INFORMATION:**

**1. Proposed Action.** The U.S. Army Corps of Engineers is preparing an EIS/EIR to analyze the impacts of a range of alternatives that would lessen the risk of flooding in and around the City of West Sacramento.

**2. Alternatives.** The EIS/EIR will address an array of flood risk management improvement alternatives along the entire West Sacramento basin. Alternatives analyzed during the investigation will include a combination of one or more flood protection measures. Potential measures include seepage berms, stability berms, setback levees, levee raises, and seepage cutoff walls.

**3. Scoping Process.** *a.* The Corps has initiated a process to involve concerned individuals, and local, State, and Federal agencies. A public scoping meeting will be held on July 21, 2009 to present information to the public and to receive comments from the public. The Draft EIS/EIR will be completed in conjunction with additional public meetings.

*b.* Significant issues to be analyzed in depth in the EIS include effects on hydraulic, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, cultural resources, land use, fisheries, water quality, air quality, transportation, and socioeconomics; and cumulative effects of related projects in the study area.

c. The Corps is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to comply with the Endangered Species Act.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS circulation.

**4. Availability.** The draft EIS/EIR is scheduled to be available for public review and comment in 2012.

2 Jul 09  
Date

Thomas C. Chapman  
Thomas C. Chapman, P.E.  
COL, EN  
Commanding



**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

**Project Title:** West Sacramento Project, California, General Reevaluation Report (GRR)Lead Agency: West Sacramento Area Flood Control AgencyContact Person: John PowderlyMailing Address: 1110 West Capitol Avenue Second FloorPhone: (916) 617-4645City: West SacramentoZip: 95691County: Yolo**Project Location:** County: YoloCity/Nearest Community: West SacramentoCross Streets: variousZip Code: 95691+otherLongitude/Latitude (degrees, minutes and seconds): various ' various " N / various ' various " W Total Acres: \_\_\_\_\_Assessor's Parcel No.: variousSection: various

Twp.: \_\_\_\_\_

Range: \_\_\_\_\_

Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: \_\_\_\_\_

Waterways: \_\_\_\_\_

Airports: \_\_\_\_\_

Railways: \_\_\_\_\_

Schools: \_\_\_\_\_

**Document Type:**

CEQA:



NOP



Draft EIR

NEPA:



NOI



Early Cons



Supplement/Subsequent EIR



EA



Neg Dec



(Prior SCH No.) \_\_\_\_\_



Draft EIS



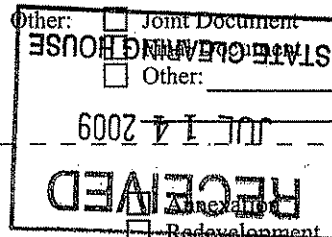
Mit Neg Dec



Other: \_\_\_\_\_



FONSI

**Local Action Type:**

General Plan Update



Specific Plan



Rezone



General Plan Amendment



Master Plan



Prezone



General Plan Element



Planned Unit Development



Use Permit



Community Plan



Site Plan



Land Division (Subdivision, etc.)



Redevelopment



Coastal Permit



Other: Flood Protection

**Development Type:**

Residential: Units \_\_\_\_\_

Acres \_\_\_\_\_



Office: Sq.ft. \_\_\_\_\_

Acres \_\_\_\_\_

Employees \_\_\_\_\_



Transportation: Type \_\_\_\_\_



Commercial: Sq.ft. \_\_\_\_\_

Acres \_\_\_\_\_

Employees \_\_\_\_\_



Mining: Mineral \_\_\_\_\_



Industrial: Sq.ft. \_\_\_\_\_

Acres \_\_\_\_\_

Employees \_\_\_\_\_



Power: Type \_\_\_\_\_

MW



Educational: \_\_\_\_\_



Waste Treatment: Type \_\_\_\_\_

MGD



Recreational: \_\_\_\_\_



Hazardous Waste: Type \_\_\_\_\_



Water Facilities: Type \_\_\_\_\_

MGD \_\_\_\_\_



Other: \_\_\_\_\_

**Project Issues Discussed in Document:**

Aesthetic/Visual



Fiscal



Recreation/Parks



Vegetation



Agricultural Land



Flood Plain/Flooding



Schools/Universities



Water Quality



Air Quality



Forest Land/Fire Hazard



Septic Systems



Water Supply/Groundwater



Archeological/Historical



Geologic/Seismic



Sewer Capacity



Wetland/Riparian



Biological Resources



Minerals



Soil Erosion/Compaction/Grading



Growth Inducement



Coastal Zone



Noise



Solid Waste



Land Use



Drainage/Absorption



Population/Housing Balance



Toxic/Hazardous



Cumulative Effects



Economic/Jobs



Public Services/Facilities



Traffic/Circulation



Other: \_\_\_\_\_

**Present Land Use/Zoning/General Plan Designation:**various**Project Description:** (please use a separate page if necessary)

See attached

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input checked="" type="checkbox"/> Office of Emergency Services
<input checked="" type="checkbox"/> Boating & Waterways, Department of	<input checked="" type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input checked="" type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Planning	<input checked="" type="checkbox"/> Public Utilities Commission
<input checked="" type="checkbox"/> Central Valley Flood Protection Board	<input checked="" type="checkbox"/> Regional WQCB # <u>5</u>
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input checked="" type="checkbox"/> Resources Agency
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input checked="" type="checkbox"/> Delta Protection Commission	<input checked="" type="checkbox"/> State Lands Commission
<input checked="" type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Quality
<input checked="" type="checkbox"/> Fish & Game Region # <u>2</u>	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Integrated Waste Management Board	
<input checked="" type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date July 14, 2009

Ending Date August 21, 2009

### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>West Sacramento Area Flood Control Agency</u>
Address: _____	Address: <u>1110 West Capitol Avenue 2nd Floor</u>
City/State/Zip: _____	City/State/Zip: <u>West Sacramento, CA 95691</u>
Contact: _____	Phone: <u>(916) 617-4645</u>
Phone: _____	

Signature of Lead Agency Representative: \_\_\_\_\_

Date: July 14, 2009

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

## Notice of Preparation

To: State Clearinghouse, Responsible Agencies,  
Trustee Agencies, Interested Parties

(Agency)

See Distribution List

(Address)

From: West Sacramento Area Flood Control Agency

(Agency)

1110 West Capitol Avenue

(Address)

West Sacramento, CA 95691

### Subject: Notice of Preparation of a Draft Environmental Impact Statement/Environmental Impact Report

The United States Army Corps of Engineers (Corps) and the West Sacramento Area Flood Control Agency (WSAFCA) are preparing the West Sacramento Project, California General Reevaluation Report (GRR). The GRR will evaluate alternatives to reduce flood risk for the City of West Sacramento. The Corps, acting as the federal lead agency under the National Environmental Protection Act (NEPA), and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), have determined that an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be prepared for the GRR. Responsible and trustee agencies under CEQA may include City of West Sacramento, Yolo County, California Department of Fish and Game, California Department of Water Resources, Central Valley Flood Protection Board, California Regional Water Quality Control Board, State Lands Commission, California Department of Parks and Recreation, and U.S. Fish and Wildlife Service.

WSAFCA and the Corps need to know your views regarding the scope and content of the environmental information in connection with the GRR. Due to the time limits mandated by state law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice (i.e., no later than 5 p.m. on August 21, 2009). Please mail or otherwise deliver your comments to:

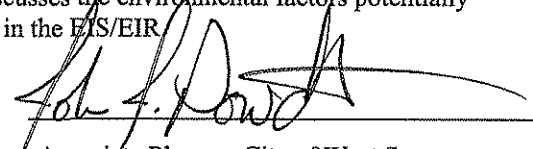
John Powderly, Associate Planner  
West Sacramento Flood Control Agency  
1110 West Capitol Avenue 2<sup>nd</sup> Floor  
West Sacramento, CA 95691  
916-617-4645  
Email: [johnp@cityofwestsacramento.org](mailto:johnp@cityofwestsacramento.org)

John Suazo, Biological Scientist  
Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814  
916-557-6719  
Email: [john.suazo@usace.army.mil](mailto:john.suazo@usace.army.mil)

Please provide a name for a contact person in your agency. In addition to or instead of providing written comments, input may also be provided at two public scoping meetings to be held on July 21<sup>st</sup> at 3:00 p.m. and 6:30 p.m., at the City of West Sacramento City Hall in rooms 157 and 160, 1110 West Capitol Avenue, West Sacramento.

Attachment 1 provides the schedule and location of the public scoping meeting and a general description of the GRR along with a map of the GRR Study Area location. Attachment 2 discusses the environmental factors potentially affected by the project and the environmental topics to be addressed in the EIS/EIR.

Date: July 14, 2009

Signature: 

Title: Associate Planner, City of West Sacramento

Telephone: (916) 617-4645

RECEIVED

JUL 14 2009

Reference: California Code of Regulations, Title 15 (CEQA Guidelines) Sections 15082(a), 15103, 15375.

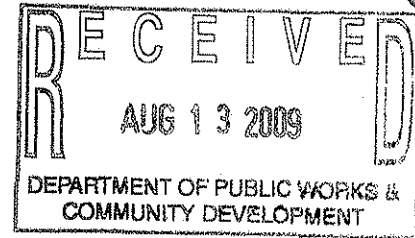
STATE CLEARING HOUSE



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
(916) 358-2900  
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor

DONALD KOCH, Director



August 6, 2009

Mr. John Powderly  
City of West Sacramento  
1110 West Capitol Avenue  
West Sacramento, CA 95691

Dear Mr. Powderly:

The Department of Fish and Game (Department) has received and reviewed your Notice of Preparation (NOP) for the West Sacramento Project, California General Reevaluation Report (SCH # 2009072055). The project proposes to evaluate opportunities to reduce flood risk, increase recreation, and restore the ecosystem along the Sacramento River within the project area. Potential actions to be evaluated in the Environmental Impact Report (EIR) include raising the existing levees protecting the City of West Sacramento, construction of an adjacent setback levee, cutoff walls, seepage berms, stability berms, internal drainage relief wells, or sheet pile walls, slope flattening, placing stone protection, and vegetation removal.

Significant natural resources occur within the proposed project boundaries. Within these proposed project boundaries, the Sacramento River supports several fish species that utilize the river for immigration, emigration, spawning and/or rearing. These fish species include all runs of Chinook salmon (*Oncorhynchus tshawytscha*). Winter-run Chinook salmon are listed as endangered under both the state and federal Endangered Species Acts. Spring-run Chinook salmon are listed as threatened under both the state and federal Endangered Species Acts. In addition to Chinook salmon, the state and federally listed threatened Delta smelt (*Hypomesus transpacificus*) occurs within the proposed project boundaries. Other significant natural resources occurring within the proposed project boundaries include the state and federally listed threatened giant garter snake (*Thamnophis couchi gigas*) and the state listed threatened Swainson's hawk (*Buteo swainsoni*). Both of these species utilize the habitats associated with the levees in the proposed project area for all or part of their life cycles.

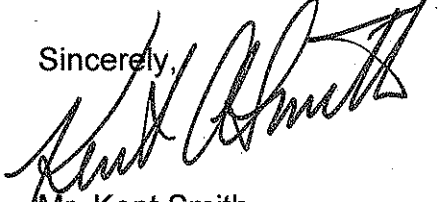
The DFG is providing comments in response to the NOP under the California Environmental Quality Act (CEQA) as both a responsible and trustee agency. As trustee for the state's fish and wildlife resources, the DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. In that capacity, DFG administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the state's fish and wildlife trust resources. The DFG recommends that the DEIR include discussion and evaluation of the following:

1. Analyze and discuss all reasonably foreseeable direct and indirect project related impacts on biological resources due to project implementation. The analysis should focus, in particular, on the presence of and potential habitats for all state and federal listed species and species of concern and the evaluation of direct, indirect and cumulative project impacts to these species and their respective habitat. This analysis should include discussion of adjacent habitats outside of the project area that support or could support listed species or species of concern and that may be impacted as a result of project implementation.
2. Identify and discuss potentially feasible mitigation measures to address all reasonably foreseeable project related impacts on biological resources. This should include identification of mitigation measures that minimize and fully mitigate all project impacts to state and federally listed species and species of concern. Analysis should include discussion of the ability to conserve natural resources on site that may be achieved through project design and take avoidance measures and offsite mitigation obtained through acquisition of existing natural resources.
3. Specifically address project impacts to both jurisdictional and non-jurisdictional wetlands, measures designed to mitigate these impacts and the consistency of this analysis to the existing Yolo County General Plan.
4. Identification of any offsite infrastructure improvements required as part of this project and evaluation of potential project impacts due to these activities. Subsequently, the DEIR should identify and analyze potentially feasible mitigation measures that avoid or substantially lessen, minimize and fully mitigate, all reasonably foreseeable direct and indirect impacts to biological resources.
5. Specifically address project impacts to Chinook salmon, Swainson's hawks, and giant garter snakes and the habitats utilized by these species.
6. Evaluation of the development of the proposed plan areas contribution to habitat fragmentation and population isolation of all plant and animal populations including but not limited to listed species and species of concern. Include identification of potentially feasible mitigation measures that will avoid or substantially lessen these impacts.
7. Development of alternative development/design scenarios for the proposed project that will achieve the project objectives, and which will avoid or substantially lessen the project-related impacts on biological resources.

In addition to the requested discussion and analysis, the Department recommends that this project coordinate with Yolo County's Natural Heritage Program to ensure compatibility with the program's habitat conservation goals and objectives. Coordination should occur with Ms. Maria Wong, Executive Director, Yolo County Habitat/Natural Community Conservation Plan JPA. Ms. Wong can be reached via telephone at (530) 406-4880, or by mail at 120 West Main Street, Suite C, Woodland, CA 95695.

Thank you for the opportunity to review this project. If the Department can be of further assistance, please contact Mr. James Navicky (916) 358-2926, or Mr. Jeff Drongesen, Senior Environmental Scientist, at (916) 358-2919.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Smith", written over the word "Sincerely,".

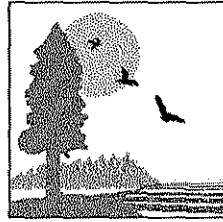
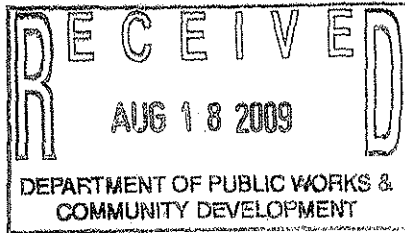
Mr. Kent Smith  
Habitat Conservation Program Manager

cc: Mr. Jeff Drongesen  
Mr. James Navicky  
Department of Fish and Game  
North Central Region  
1701 Nimbus Road  
Rancho Cordova, CA 95670

Ms. Maria Wong  
Executive Director  
Yolo County Habitat/Natural Community Conservation Plan JPA  
120 West Main Street, Suite C  
Woodland, CA 95695

**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



August 12, 2009

**PAUL D. THAYER**, Executive Officer

(916) 574-1800 FAX (916) 574-1810

Relay Service From TDD Phone **1-800-735-2929**  
from Voice Phone **1-800-735-2922**

Contact Phone: (916) 574-1900

Contact FAX: (916) 574-1885

File Ref: SCH# 2009072055

John Powderly  
West Sacramento Area Flood Control Agency  
1110 West Capitol Avenue, Second Floor  
West Sacramento, CA 95691

**Subject: West Sacramento Project, California, General Reevaluation Report (GRR)  
Draft Environmental Impact Statement/ Environmental Impact Report**

Dear Mr. Powderly:

The California State Lands Commission (CSLC) staff has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Statement/ Environmental Impact Report dated July 14, 2009, pertaining to the proposed West Sacramento Project, California, General Reevaluation Report (GRR). For this project, the CSLC is both a Responsible and a Trustee agency.

As general background, the State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes of waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space. The State owns sovereign fee title to tide and submerged lands landward to the mean high tide line (MHTL) as they existed in nature, prior to fill or artificial accretions. On navigable non-tidal waterways, the State holds fee ownership of the bed landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, as they last naturally existed. The State's sovereign interests are under the jurisdiction of the CSLC.

The current project is to address improving up to 50 miles of federal flood protection levees surrounding West Sacramento. The improvements will increase the level of flood protection to achieve a minimum of 200-year flood protection. Improvements to the levee system will result in disturbance and the potential loss of riparian habitat along sections of the proposed project. These changes, along with those proposed for the other levee system enhancements in the Sacramento Valley, will result in a cumulative loss of riparian vegetation and shaded riverine aquatic habitat along the river bank, which will be difficult to mitigate and may result in secondary impacts to the listed runs of salmonids and listed avian species. The CSLC recommends that the West Sacramento Area Flood Control Agency (WSAFA) work very closely with the resources agencies (i.e., California Department of Fish and Game (CDFG), U.S.



Fish and Wildlife Service (USFWS), and NOAA Fisheries) and with local representatives of adjoining landowners (such as the Sacramento River Conservation Area Forum) to address these cumulative impacts and to design appropriate mitigation/conservation areas. Other types of mitigation, such as avoidance, both in time and space (such as construction work windows), will also need to be considered.

Queries of the Natural Diversity Database (CNDDDB) and the USFWS Special Status Species Database should be conducted to identify any special-status plant or wildlife species that may occur in the region. Their potential for occurrence on the project site or in the project area should be included in the DEIS/ DEIR.

One of the major stressors of the Sacramento River system is introduced species. Therefore, the DEIS/DEIR should consider a range of alternatives for prevention programs for terrestrial and aquatic invasive species (including quarantine, early detection, and early response) to slow the introduction of invasive species, such as the Quagga mussel, into high demand and sensitive areas. As part of the alternatives analysis, the design of the proposed project should take into consideration the current and proposed aquatic invasive species prevention programs. In addition, in light of the recent decline of pelagic organisms and in order to protect at-risk fish species, the DEIR/DEIS should examine the objectives of the project and determine if the project would favor non-native fisheries within the Sacramento River.

An evaluation of the noise and vibration impacts on fish and birds from construction activities in the water, as well as construction on the levees and land-side supporting structures of the Sacramento River and flood control facilities, should be included in the DEIS/DEIR. Mitigation measures may be needed that would include species-specific work windows as defined by CDFG, USFWS, and NOAA Fisheries.

The Central Valley Flood Protection Board (CVFPB) encroachment permit may be required as well as a geotechnical evaluation of the proposed project locations. Placing rock riprap within the channels of the Sacramento River channel will require coordination with the CVFPB as well as with the US Army Corps of Engineers (US ACE) to alter Federal flood protection levees (33 USC 408). Additional coordination with the CVFPB and the US ACE may include working within the established flood season windows.

Any construction activities along the water-side bank should consider water quality issues, such as increased turbidity and sedimentation, and make all the necessary arrangements to reduce or mitigate for these concerns.

An evaluation of potential submerged cultural resources in the project area will need to be undertaken. Any submerged archaeological site or submerged historic resource remaining in state waters for more than 50 years is presumed to be significant. The title to all abandoned shipwrecks and all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the CSLC. The CSLC maintains a shipwrecks database of known and potential vessels located on the state's tide and submerged lands; however, the location of many shipwrecks remains unknown. The recovery of objects from any submerged archaeological site or shipwreck requires a salvage permit under Public Resources Code (PRC) section 6309. On statutorily granted tide and submerged lands, a permit may be issued only after consultation with the local grantee and a determination by the CSLC that the proposed salvage operation is not inconsistent with the purposes of the legislative grant. A Code of Federal Regulations section 106 evaluation should

be made, as well, to determine any potential terrestrial cultural resources in the project areas where construction can occur.

Greenhouse gas emissions information consistent with the California Global Warming Solutions Act (AB 32) should be included in the DEIS/DEIR. This would include a determination of the greenhouse gases that will be emitted as a result of construction and ongoing maintenance of the levee system, a determination of the significance of those impacts, and mitigation measures to reduce any impacts found to be significant.

An evaluation of the temporary and permanent loss of recreation resources in the specific areas during the construction of the Sacramento River levee and flood control facilities improvements should be included in the DEIS/DEIR. These impacts should include mitigation measures, which might include alternative public access points, for the residents and tourists of the area.

The DEIS/DEIR should discuss the potential changes and impacts to current transportation routes into and out of areas during the construction of the proposed Sacramento River levee improvements and flood control facilities. Once again, these impacts should include mitigation measures for the residents and tourists of the area.

As a responsible agency, the CSLC will need to rely on this document for the issuance of a lease, and therefore, we hope that you consider our comments prior to adoption of the final EIS/EIR. Please contact Diane Jones, Public Land Manager, at 916-574-1843 or by email at [jonesd@slc.ca.gov](mailto:jonesd@slc.ca.gov) for information about our leasing requirements. For questions and comments related to the environmental review, please contact Christopher Huitt at (916) 574-1938 or by e-mail at [huittc@slc.ca.gov](mailto:huittc@slc.ca.gov). If you have any questions involving the Shipwreck and Historic Maritime Resources Program please contact Staff Counsel Pam Griggs at (916) 574-1854 or by email at [griggsp@slc.ca.gov](mailto:griggsp@slc.ca.gov).

Sincerely,



Marina R. Brand, Acting Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
Diane Jones, CSLC  
Chris Huitt, CSLC